

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1907,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.

PUBLISHED BY THE
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A CONSTITUTION

OR

FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic, how formed. Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peace-

ably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession of sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendments, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for

Legislature empowered to compel provision for public worship;

the support and maintenance of public Protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children,

and to enjoin attendance thereon.

Exclusive right of electing religious teachers secured.

Option as to whom parochial taxes may be paid, unless, etc.

All denominations equally protected. 8 Met. 162. Subordination of one sect to another prohibited.

Right of self government secured.

Accountability of all officers, etc.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. I, Sect. 2, Art. II.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.
16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 184, 467.
16 Pick. 87.
23 Pick. 360.
7 Met. 388.
4 Gray, 474.
7 Gray, 363.
14 Gray, 154.
1 Allen, 150.
4 Allen, 474.

Private property not to be taken for public uses without, etc.
6 Cush. 327.
14 Gray, 155.
16 Gray, 417, 431.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52.
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 559.
100 Mass. 544, 560.	111 Mass. 130.		

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and

justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180.
108 Mass. 5, 6.

118 Mass. 443, 451.
120 Mass. 118, 120.

122 Mass. 332.
124 Mass. 464.

127 Mass. 550, 554.
129 Mass. 559.

Prosecutions regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.
21 Pick. 542.
2 Met. 329.
12 Cusb. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
11 Gray, 11.
11 Gray, 433.
2 Allen, 361.
11 Allen, 238-240, 264, 439, 473.
12 Allen, 170.
97 Mass. 570, 578.
100 Mass. 287, 295.
103 Mass. 418.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cusb. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
100 Mass. 136, 139.
126 Mass. 269, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

114 Mass. 388, 390.
120 Mass. 320, 321.

122 Mass. 505, 516.
123 Mass. 590, 593.

125 Mass. 182, 183.
128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent. 8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Ex post facto laws prohibited.
12 Allen, 421,
424, 428, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not to convict of treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

5 Gray, 482.

Excessive bail or fines, and cruel punishments, prohibited.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be quartered in any house, unless, etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt from law-martial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.
3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219,
221, 225.
Tenure of their office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of executive, judicial, and legislative departments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282,
286.
114 Mass. 247,
249.

PART THE SECOND.

The Frame of Government.

Title of body
politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of
time, etc., see
amendments,
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's
veto.
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

the votes of both houses shall be determined by yeas and nays ; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

3 Mass. 567.

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. General court may constitute judicatories, courts of record, etc. 8 Gray, 1. 12 Gray, 147, 154.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same : whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed ; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

Courts, etc., may administer oaths.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without ; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof ; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for ; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

General court may enact laws, etc. 9 Gray, 426. 4 Allen, 473. 12 Allen, 223, 237. 100 Mass. 544, 557. 116 Mass. 467, 470. may enact laws, etc., not repugnant to the constitution. 6 Allen, 358.

may provide for the election or appointment of officers. 115 Mass. 602.

may prescribe their duties.

General court
may impose
taxes, etc.
12 Mass. 252.
5 Allen, 428.
6 Allen, 558.
8 Allen, 247, 253.
10 Allen, 235.
11 Allen, 268.
12 Allen, 77, 223,
235, 238, 240,
298, 300, 312,
313, 500, 612.
98 Mass. 19.
100 Mass. 285.
101 Mass. 575,
583.
103 Mass. 267.
114 Mass. 388,
391.
116 Mass. 461.
118 Mass. 386,
389.
123 Mass. 493,
495.
127 Mass. 413.
may impose
taxes, etc., to be
disposed of for
defence, protec-
tion, etc.
8 Allen, 247, 256.
Valuation of
estates once in
ten years, at
least, while, etc.
8 Allen, 247.
126 Mass. 547.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number
of, and by
whom elected.
Superseded by
amendments,
Art. XIII.,
which was also
superseded by
amendments,
Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

For provision as
to councillors,
see amend-
ments, Art.
XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. : — Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. Word “inhabitant” defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

Time changed
to first Wednes-
day of January.
See amend-
ments, Art. X.

Inhabitants of
unincorporated
plantations,
who pay state
taxes, may vote.

Plantation
meetings.
Time of elec-
tion changed by
amendments,
Art. XV.
Assessors to
notify, etc.

Governor and
council to ex-
amine and count
votes, and issue
summonses.
Time changed
to first Wednes-
day in January
by amendments,
Art. X.
Majority
changed to
plurality by
amendments,
Art. XIV.

Senate to be
final judge of
elections, etc.,

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

of its own members.
Time changed to first Wednesday of January by amendments, Art. X.
Majority changed to plurality by amendments, Art. XIV.

Vacancies, how filled.
Changed to election by people.
See amendments, Art. XXIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Qualifications of a senator.
Property qualification abolished.
See amendments, Art. XIII.
For further provision as to residence, see also amendments, Art. XXII.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Senate not to adjourn more than two days.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall try all impeachments.

Oath.
Limitation of sentence.

of honor, trust, or profit, under this commonwealth ; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Quorum. See amendments, Arts. XXII. and XXXIII.

IX. [Not less than sixteen members of the senate shall constitute a quorum for doing business.]

CHAPTER I.

SECTION III.

House of Representatives.

Representation of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representatives, by whom chosen. Superseded by amendments, Arts. XII. and XIII., which were also superseded by amendments, Art. XXI. 7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative ; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives ; every corporate town containing six hundred ratable polls may elect three representatives ; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.]

Proviso as to towns having less than 150 ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative ; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expenses of travelling to and from the general court, how paid. Annulled by Art. XXXV.

[The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.]

Qualifications of a representative.

III. Every member of the house of representatives shall be chosen by written votes ; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

New provision as to residence. See amendments, Art. XXI. Property qualifications abolished by amendments, Art. XIII.

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. See also amendments, Art. XXIII., which was annulled by Art. XXVI. Representatives, when chosen.

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House alone can impeach.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

House to originate all money bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Not to adjourn more than two days.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

Quorum. See amendments, Arts. XXII. and XXXIII.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc.

May punish for certain offences. 14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly.

Senate.
Governor and council may punish.
General limitation.
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.

To be chosen annually.
Qualifications.
See amendments, Arts. VII. and XXXIV.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; [and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds;] [and unless he shall declare himself to be of the Christian religion.]

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form

a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and in case of an election by a [majority] of all the votes returned, the choice shall be by them declared and published; but if no person shall have a [majority] of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a plurality.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceeding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Limitation.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution

granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Judicial officers, etc., how nominated and appointed.
For provisions as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected.
Limitation of age struck out by amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

How commissioned.

Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall

exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His HONOR; and who shall be qualified, in point of [religion,][property,] and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality provided for by amendments, Art. XIV.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.
Lieutenant-governor a member of, except, etc.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

Lieutenant-governor to be acting governor, in case, etc.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.
Number of councillors changed to eight.
See amendments, Art. XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from whom, and how chosen.
Modified by amendments, Arts. X. and XIII.
Superseded by amendments, Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators become councillors, their seats to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of
councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to
have more than
two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exer-
cise the power
of governor in
case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may
be adjourned
until, etc.

Order thereof.
Superseded by
amendments,
Arts. XVI. and
XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the pub-

Secretary, etc.,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer and re-
ceiver-general,
and auditor and
attorney-gen-
eral, see amend-
ments, Art.
XVII.

Treasurer ineligible for more than five successive years.

lie accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary to keep records; to attend the governor and council, etc.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 557, 561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office. 3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for holding probate courts. 12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage,
divorce, and
alimony.
Other pro-
visions made
by law.
105 Mass. 327.
116 Mass. 317.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to
congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, —it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled

Harvard
College.

Powers, privi-
leges, etc., of
the president
and fellows,
confirmed.

to have, hold, use, exercise, and enjoy ; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

All gifts,
grants, etc.,
confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively ; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Who shall be
overseers.

See Statutes,
1851, 224.
1852, 27.
1859, 212.
1865, 173.
1880, 65.

Power of altera-
tion reserved to
the legislature.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College ; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates ; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College ; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties ; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them ; especially the university at Cambridge, public schools and grammar schools in the towns ; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country ; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings ; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

Oaths, etc.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth ; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

["I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God."]

Oath of office.

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God."

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*“I do swear,” “and abjure,” “oath or,” “and abjuration,”* in the first oath, and in the second oath, the words] *“swear and,”* and [in each of them] the words *“So help me, God;”* subjoining instead thereof, *“This I do under the pains and penalties of perjury.”*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saying that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject. 1 Allen, 553.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—[president, professor, or instructor of Harvard College]—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc., disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Property qualifications may be increased. See amendments, Arts. XIII. and XXXIV.

Provisions respecting commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions respecting writs. 2 Pick. 592. 3 Met. 58. 13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of former laws, except, etc. 1 Mass. 59. 2 Mass. 534. 8 Pick. 309, 316. 16 Pick. 107, 115. 2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of *habeas corpus* secured, except, etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.”

The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Officers of former government continued until, etc.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for
preserving and
publishing this
constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, etc., not
approved within
five days, not to
become a law,
if legislature
adjourn in the
mean time.
3 Mass. 567.
See Const., Ch.
I., § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court
empowered to
charter cities.
122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.
112 Mass. 200.

Qualifications of
voters for gov-
ernor, lieuten-
ant-governor,
senators and
representatives.
See amend-
ments, Arts.
XXX. and
XXXII.
11 Pick. 538, 540.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 298,
591, 594.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state

or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such election.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

7 Gray, 299.
122 Mass. 595,
597.
124 Mass. 596.
For educational
qualification,
see amend-
ments, Art. XX.
For provision
as to those who
have served in
the army or
navy in time
of war, see
amendments,
Arts. XXVIII.
and XXXI.

Notaries public,
how appointed
and removed.

Vacancies in the
offices of secre-
tary and treas-
urer, how filled.
This clause
superseded by
amendments,
Art. XVII.

Commissary-
general may be
appointed, in
case, etc.

Militia officers,
how removed.

Who may vote
for captains and
subalterns.

Oath to be taken
by all officers.
See Const.,
Ch. VI., Art. I.

Proviso.
Quakers may
affirm.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility
of offices.
122 Mass. 445,
600,
123 Mass. 525.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed

amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of

Commencement
of political
year,

and termina-
tion.

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

Article, when
to go into
operation.

January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established. See Dec. of Rights, Art. III.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred rata-

ble polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

city, town and representative district may elect as aforesaid ; and when the number of representatives to be elected by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter ; which census shall determine the apportionment of senators and representatives for the term of ten years. 122 Mass. 595.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members ; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner : Every town or city containing twelve hundred inhabitants may elect one representative ; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years ; and

Inconsistent provisions annulled.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. Provisions as to census superseded by amendments, Arts. XXI. and XXII.

Senatorial districts declared permanent. Provisions as to senators superseded by amendments, Art. XXII.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

Small towns, how represented.

Towns may unite into representative districts.

such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification for a seat in general court or council not required.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect rep-

Time of annual election of governor and legislature.

representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people. 122 Mass. 595, 598.

Legislature to district state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, Art. XXV.

Organization of the government.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice

shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor ; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room ; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large ; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and

School moneys not to be applied for sectarian schools. For original provision as to

schools, see constitution, Part First, Art. III.
12 Allen, 500, 508.
103 Mass. 94, 96.

Legislature to prescribe for the election of sheriffs, registers of probate, etc. See amendments, Art. XXXVI.
8 Gray, 1.
13 Gray, 74.

Reading constitution in English and writing, necessary qualifications of voters. Proviso.
For other qualifications, see amendments, Art. III.
See also amendments, Art. XXIII., which was annulled by Art. XXVI.

Census of legal voters and of inhabitants, when taken, etc. See P. S. c. 31.

House of representatives to consist of 240 members. Legislature to apportion, etc.
10 Gray, 613.

expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, [commissioners of insolvency,] and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

110 Mass. 172, 173.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this pur-

pose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceeding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

Quorum, see amendments, Art. XXXIII.

Census, etc. See P. S. c. 31.

Voters to be basis of apportionment of senators.

Senate to consist of forty members.

Senatorial districts, etc.

See amendments, Art. XXIV.

Qualifications of senators.

Quorum, see amendments, Art. XXXIII.

Residence of two years required of naturalized citizens, to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.

Vacancies in the senate.

returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the commonwealth, be disqualified from voting for said officers in the city or town from which he has removed

Voters not disqualified by reason of change of residence until six months from time of removal.

his residence, until the expiration of six calendar months from the time of such removal.

Amendments,
Art. XXVIII.
amended.

ART. XXXI. Article twenty-eight of the amendments of the constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper", and inserting in place thereof the words:—receiving or having received aid from any city or town,—and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who
served in army
or navy, etc.,
not disqualified
from voting for
non-payment of
poll tax.

Provisions of
amendments,
Art. III., rela-
tive to payment
of a tax as a
voting qualifica-
tion, annulled.

ART. XXXII. So much of article three of the amendments of the constitution of the commonwealth as is contained in the following words: "and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned", is hereby annulled.

Quorum, in each
branch of the
general court,
to consist of a
majority of
members.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Provisions of
Art. II., § I.,
Chap. II., Part
II., relative to
property qual-
ification of
governor,
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the constitution of the commonwealth as is contained in the following words: "and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds"; is hereby annulled.

Provisions of
Art. II., § III.,
Chap. I., rela-
tive to expense
of travelling to
the general
assembly by
members of the
house, annulled.

ART. XXXV. So much of article two of section three of chapter one of the constitution of the commonwealth as is contained in the following words: "The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judg-

ment of the house, and does not depart without leave", is hereby annulled.

ART. XXXVI. So much of article nineteen of the articles of amendment to the constitution of the commonwealth as is contained in the following words: "commissioners of insolvency", is hereby annulled.

Amendments,
Art. XIX.,
amended.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30 and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

CONSTITUTION OF MASSACHUSETTS.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

The thirty-fifth Article was adopted by the legislatures of the political years 1892 and 1893, and was approved and ratified by the people on the seventh day of November, 1893.

The thirty-sixth Article was adopted by the legislatures of the political years 1893 and 1894, and was approved and ratified by the people on the sixth day of November, 1894.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

[Proposed Articles of Amendment, (1) Establishing biennial elections of state officers, and (2) Establishing biennial elections of members of the General Court, adopted by the legislatures of the political years 1895 and 1896, were rejected by the people at the annual election held on the third day of November, 1896.]

INDEX TO THE CONSTITUTION.

A.

	Page
Address of both houses of the legislature, judicial officers may be removed by governor with consent of council upon, . . .	26
Adjutant-general, appointed by the governor,	22
Adjutants, to be appointed by commanding officers of regiments, .	22
Affirmations, instead of the required oaths, may be made by Quakers,	30, 31, 36
Agriculture, arts, commerce, etc., to be encouraged,	29
Alimony, divorce, etc.,	27
Amendment to the constitution, proposed in the general court, agreed to by a majority of senators and two-thirds of house present and voting thereon by yeas and nays; entered upon the journals of both houses, and referred to the next general court; if the next general court agrees to the proposition in the same manner, and to the same effect, it shall be submitted to the people, and, if approved by them by a majority vote, becomes a part of the constitution,	36, 37
Apportionment of councillors,	24, 41, 42
state to be divided into eight districts,	42
Apportionment of senators,	13, 40, 46
on basis of legal voters, and state to be divided into forty districts,	46
Apportionment of representatives,	16, 39, 40, 44
to the several counties, made on the basis of legal voters, . .	44
Armies, dangerous to liberty, and not to be maintained without consent of the legislature,	8
Arms, right of people to keep and to bear, for public defence, .	8
Arrest, members of house of representatives exempted from, on mesne process, while going to, returning from, or attending the general assembly,	18
Arrest, search and seizure, right of, regulated,	7
warrant to contain special designation,	7
Attorney-general, to be chosen by the people annually in November,	21, 43
to hold office for one year from third Wednesday in January next thereafter, and until another is chosen and qualified, election determined by legislature,	43
in failure of election by the voters, or in case of decease of person elected, vacancy to be filled by joint ballot of legislature from the two persons having the highest number of votes at November election,	43

	Page
Attorney-general, vacancy occurring during session of the legislature, filled by joint ballot of legislature from the people at large,	43
vacancy occurring during recess of legislature, filled by governor by appointment, with consent of council,	43
not eligible, unless an inhabitant of the state for five years next preceding election or appointment,	43
office to be deemed vacant if person elected or appointed fails to be qualified within ten days,	43
Attorneys, district, elected by the people of the several districts, .	44
Auditor, to be chosen by the people annually in November, . . .	43
to hold office for one year from third Wednesday in January next thereafter, and until another is chosen and qualified, election determined by legislature,	43
vacancy filled in same manner as in office of attorney-general, not eligible, unless an inhabitant of the state for five years next preceding election,	43
office to be deemed vacant if person elected or appointed fails to be qualified within ten days,	43

B.

Bail or sureties, excessive, not to be required,	9
Bills, money, to originate in the house of representatives, . . .	17
Bills and resolves, to be laid before governor for revisal, . . .	10
to have force of law if signed by governor,	10
if objected to by governor in writing, to be returned to branch in which originated, and may be passed by two-thirds of each branch present and voting thereon by yeas and nays,	10
if not returned by governor within five days after presentation, to have force of law, unless the legislature adjourns before that time expires,	11, 34
Boards, public, to make quarterly reports to the governor, . . .	22
Body politic, formation and nature of,	3
title of: The Commonwealth of Massachusetts,	10
Bribery or corruption used in procuring an appointment or election, to disqualify from holding any office of trust, etc., .	32

C.

Census of ratable polls,	38
of inhabitants,	40, 44, 45
of inhabitants and legal voters taken in the year 1865, and every tenth year thereafter,	44, 46
enumeration of voters to determine the apportionment of representatives,	44

	Page
Cities, may be chartered by the general court, if containing twelve thousand inhabitants and consented to by a majority thereof,	34
Civil officers, meeting for election to be held annually on the Tuesday next after the first Monday in November,	41
whose election is provided for by the constitution to be elected by a plurality of votes,	41
Clerks of courts, elected by the people of the several counties, . .	44
Clerks of towns, to make records and returns of elections, . . .	13
Colonial laws, not repugnant to the constitution, continued in force,	32
Commander-in-chief, governor to be,	20
Commerce, agriculture and the arts, to be encouraged,	29
Commissary-general, appointed and commissioned as fixed by law, .	25, 35
Commission officers, tenure of office to be expressed in commissions, .	26
Commissioners of insolvency, elected by the people of the several counties; annulled,	44, 49
Commissions, to be in the name of the commonwealth, signed by governor, attested by the secretary, and have the great seal affixed,	32
Congress, delegates to,	27
members of, may not hold certain state offices,	36
Constitution, amendment to, proposed in the general court, agreed to by a majority of senators and two-thirds of the house present and voting thereon by yeas and nays; entered upon the journals of both houses, and referred to the next general court; if the next general court agrees to the proposition in the same manner and to the same effect, it shall be submitted to the people, and, if approved by them by a majority vote, becomes a part of the constitution, . .	36, 37
Constitution, provisions for revising,	33, 36
to be enrolled on parchment, deposited in secretary's office, and printed in all editions of the laws,	34
Coroners,	21
Corruption or bribery used in procuring any appointment or election, to disqualify from holding any office of trust, etc., . .	32
Council, five members to constitute a quorum,	24
eight councillors to be elected annually,	24, 42
election to be determined by rule required in that of governor,	42
to take oath of office before the president of the senate in presence of both houses of assembly,	29
to rank next after the lieutenant-governor,	25
resolutions and advice to be recorded in a register, and signed by the members present,	25
register of council may be called for by either house,	25
to exercise the power of governor when office of governor and lieutenant-governor is vacant,	25

	Page
Council, no property qualification required,	41
eight districts to be formed, each composed of five contiguous senatorial districts,	42
eligible to election if an inhabitant of state for five years pre- ceding election,	42
term of office,	37
vacancy to be filled by election of a resident of the district by concurrent vote of the senate and house; if legislature is not in session, to be filled by governor with advice of council,	47
Court, superior, judges not to hold certain other offices,	36
Court, supreme judicial, judges to have honorable salaries fixed by standing laws, and to hold office during good be- havior,	9, 23
judges not to hold certain other offices,	36
to give opinions upon important questions of law, etc., when required by either branch of the legislature or by the governor and council,	26
Courts, clerks of, elected by the people of the several counties, . .	44
Courts, probate, provisions for holding,	26
registers elected by the people of the several counties, . . .	44
Courts and judicatories may be established by the general court, .	11
may administer oaths or affirmations,	11
Crimes and offences, prosecutions for, regulated,	7
Crimes to be proved in the vicinity of where they happen, . . .	7

D.

Debate, freedom of, in the legislature,	8
Declaration of the rights of the inhabitants,	4
Declaration and oaths of officers; tests abolished,	29, 35, 36
Delegates to congress,	27
Departments, legislative, executive and judicial, to be kept separate,	9
District attorneys, elected by the people of the several districts, .	44
Districts, councillor, eight, each to be composed of five contiguous senatorial districts,	42
Districts, senatorial, forty, to be of adjacent territory, and to con- tain as near as may be an equal number of voters,	46
Districts, representative, to be established by commissioners in the several counties,	39, 45
Divorce, alimony, etc.,	27

E.

Educational interests to be cherished,	29
Elections ought to be free,	6
Elections, by the people, of civil officers provided for by the consti- tution, to be by plurality of votes,	41

	Page
Election of civil officers, meeting to be held annually on the first Tuesday next after the first Monday in November, . . .	41
in case of failure to elect representative, meeting to be held on fourth Monday in November,	41, 42
Election returns,	13, 42
Enacting style of laws, established,	33
Equality and natural rights of all men,	4
Estates, valuation to be taken anew once at least every ten years,	12
Executive department, not to exercise legislative or judicial powers,	9
<i>Ex post facto</i> laws, declared unjust and oppressive,	9

F.

Felony and treason, no subject to be declared guilty of, by the legislature,	9
Fines, excessive, not to be imposed,	9
Frame of government,	10
Freedom of speech and debate in the legislature,	8
Freehold, possession of, not required as qualification for seat in the general court or council,	41
possession of, by governor, provision requiring, annulled,	48
Fundamental principles of the constitution, a frequent recurrence to, recommended,	8

G.

General court, to assemble frequently for redress of grievances, and for making laws,	8
freedom of speech and debate in,	8
not to declare any subject to be guilty of treason or felony,	9
formed by two branches, a senate and house of representatives, each having a negative on the other,	10
to assemble every year on the first Wednesday of January, at such other times as they shall judge necessary, and whenever called by the governor with the advice of council,	10, 19, 37
may constitute and erect judicatories and courts,	11
may make wholesome and reasonable laws and ordinances not repugnant to the constitution,	11
may provide for the election or appointment of officers, and prescribe their duties,	11
may impose taxes, etc., to be used for the public service,	12
to be dissolved on the day next preceding the first Wednesday of January,	20, 37
travelling expenses of members; provision annulled,	16, 48
may be adjourned or prorogued, upon its request, by the governor with advice of council,	19
session may be directed by governor, with advice of council, to be held in other than the usual place in case of an infectious distemper prevailing,	19, 20

	Page
General court, judicial officers may be removed upon address of, . . .	26
person convicted of bribery, not to hold seat in,	32
may increase property qualifications of persons to be elected to office,	32
certain officers not to have seats in,	31
may be prorogued by governor and council for ninety days, if houses disagree, etc.,	20
to elect major-generals by concurrent vote,	21
empowered to charter cities,	34
to determine election of governor, lieutenant-governor and councillors,	41, 42
to prescribe by law for election of sheriffs, registers of pro- bate and commissioners of insolvency by the people of the counties, and district attorneys by the people of the districts,	44
quorum, to consist of a majority of members,	48
Government, objects of,	3, 5, 6
Government by the people, as a free, sovereign and independent state,	5
Governor, the supreme executive magistrate, styled, — The Gov- ernor of the Commonwealth of Massachusetts; with the title of, — His Excellency; elected annually,	18
qualifications,	18, 36, 48
term of office,	37
should have an honorable stated salary,	23
the commander-in-chief, of the army and navy, but may not oblige them to go out of the limits of the state,	20, 21
to appoint the adjutant-general,	22
may call together the councillors at any time,	19
not to hold certain other offices,	31
to take oaths of office before president of the senate in pres- ence of the two houses of assembly,	31
to sign all commissions,	32
election determined by the legislature,	42, 43
veto power,	10
vacancy in office of, powers to be exercised by the lieutenant- governor,	24
vacancy in office of governor and lieutenant-governor, powers to be exercised by the council,	25
with advice of council, may adjourn or prorogue the legislat- ure upon request, and convene the same,	19
may adjourn or prorogue the legislature for not exceeding ninety days when houses disagree, or may direct session to be held in other than the usual place in case of an in- fectious distemper prevailing,	19
to appoint all judicial officers, notaries public and coroners; nominations to be made at least seven days before ap- pointment,	21, 35

INDEX TO THE CONSTITUTION.

57

	Page
Governor, to appoint officers of the continental army,	22
may pardon offences, but not before conviction,	21
may fill vacancy in council occurring when legislature is not in session,	47
with consent of council, may remove judicial officers, upon the address of both houses of the legislature,	26
Governor and council, to examine election returns,	14, 42
may punish persons guilty of disrespect, etc., by imprison- ment not exceeding thirty days,	17, 18
quorum to consist of governor and at least five members of the council,	19
may require the attendance of the secretary of the common- wealth in person or by deputy,	26

H.

Habeas corpus, privilege of writ to be enjoyed in the most ample manner, and not to be suspended by legislature except upon most urgent occasions,	32
Harvard College, powers and privileges, gifts, grants and convey- ances confirmed,	27, 28
board of overseers established, but the government of the college may be altered by legislature,	28
officers may be elected members of the general court,	47
Hereditary offices and privileges, absurd and unnatural,	5, 6
House of representatives, members may be instructed by the people, a representation of the people annually elected and founded upon the principle of equality,	8
may impose fines upon towns not choosing members,	16
expense of travel once every session each way, to be paid by the government; provision annulled,	16, 48
to enter objections made by governor to a bill or resolve at large upon records,	10
qualifications of members,	17, 41, 45
must be an inhabitant of district for one year preceding elec- tion, and shall cease to be a member when ceasing to be an inhabitant of the state,	45
members not to be arrested on mesne process during going to, return from, or attending the general assembly,	18
the grand inquest of the commonwealth,	17
to originate all money bills, but the senate may propose or concur with amendments,	17
not to adjourn more than two days at a time,	17
quorum of,	17, 45, 48
to choose officers, establish its rules, etc.,	17
may punish by imprisonment, not exceeding thirty days, per- sons guilty of disrespect, etc.; trial may be by committee, 17, 18	

	Page
House of representatives, privileges of members,	18
may require the attendance of secretary of the commonwealth in person or by deputy,	26
may require the opinions of the justices of the supreme judi- cial court upon important questions of law, and upon solemn occasions,	26
meeting for election to be held on the Tuesday next after the first Monday of November,	41
in case of failure to elect, meeting to be held on the fourth Monday of November,	41, 42
to consist of two hundred and forty members, apportioned to the several counties equally, according to relative num- ber of legal voters,	44
commissioners to divide counties into representative districts of contiguous territory, but no town or ward of a city to be divided,	45
no district entitled to elect more than three representatives, .	45
board authorized to divide county into districts, to be certi- fied to by the secretary, the number of representatives to which the county is entitled,	45

I.

Impeachments, by the house of representatives, to be tried by the senate; limitation of sentence; party convicted liable to indictment,	15, 16
Incompatible offices,	31, 36
"Inhabitant," the word defined,	13
Inhabitants, census to be taken in 1865, and every tenth year there- "after,	38, 40, 44, 45
Insolvency, commissioners of, elected by the people of the several counties; annulled,	44, 49
Instruction of representatives,	8

J.

Judges of courts may not hold certain other offices,	31, 36
Judges of the supreme judicial court, to hold office during good behavior, and to have honorable salaries established by standing laws,	9, 23, 26
to give opinions upon important questions of law, etc., when required by the governor and council, or either branch of legislature,	26
not to hold certain other offices,	31
Judicatories and courts, may be established by the general court, .	11
may administer oaths or affirmations,	11
Judicial department, not to exercise legislative or executive powers,	9

INDEX TO THE CONSTITUTION.

59

	Page
Judicial officers, appointed by the governor with consent of council; nominations to be made seven days prior to appointment,	21
to hold office during good behavior, except when otherwise provided by the constitution,	26
may be removed from office by the governor, upon the address of both houses of the legislature,	26
Jury, trial by, right secured,	7
Justices of the peace, commissions to expire in seven years from date of appointment, but may be renewed,	26

L.

Law-martial, only those employed in the army and navy, and the militia in actual service, subject to, except by authority of the legislature,	9
Laws, every person to have remedy in, for injury to person or property,	6
power of suspension or execution of, only in the legislature,	8
<i>ex post facto</i> , prohibited as unjust and inconsistent with free government,	9
of province, colony and state, not repugnant to the constitution, continued in force,	32
Legislative power,	9
Legislative department, not to exercise executive or judicial powers,	9
Legislature (see General Court).	
Liberty of the press, essential to the security of freedom,	8
Lieutenant-governor, to be annually elected in November,—title of, His Honor; who shall be qualified same as governor,	23, 37, 41, 48
in the absence of governor, to be president of the council,	24
to be acting governor when the chair of the governor is vacant,	24
to take oath of office before president of the senate in presence of both houses,	31
not to hold certain other offices,	31
term of office,	37
Literature and the sciences to be encouraged,	29

M.

Magistrates and officers, accountable to the people,	5
Magistrates and courts, not to demand excessive bail, impose excessive fines, or inflict cruel punishments,	9
Major-generals, elected by senate and house of representatives by concurrent vote,	21
may appoint their aids,	22
Marriage, divorce and alimony,	27

	Page
Martial law, only those employed in the army and navy, and the militia in actual service, subject to, except by authority of legislature,	9
Military power, subordinate to civil authority,	8
Militia, not to be obliged by commander-in-chief to march out of the limits of the state,	21
captains and subalterns, elected by the train-bands,	21, 35
all members of companies may vote, including minors,	35
field officers, elected by captains and subalterns,	21
brigadiers, elected by field officers,	21
major-generals, elected by senate and house of representatives by concurrent vote,	21
mode of election of officers to be fixed by standing laws,	21
if electors refuse to elect, governor with advice of council may appoint officers,	22
officers commissioned to command may be removed as may be prescribed by law,	22, 35
appointment of staff officers,	22
organization; divisions, brigades, regiments and companies,	22
Money, issued from treasury by warrant of governor, etc.,	22
mentioned in the constitution, to be computed in silver at six shillings and eight pence per ounce,	32
Money bills, to originate in house of representatives,	17
Moneys, raised or appropriated for public or common schools, not to be applied for support of sectarian schools,	43
Moral obligations of lawgivers and magistrates,	8
Moral qualifications for office,	8

N.

Notaries public, to be appointed by governor with advice of council,	25, 35
may be removed by governor with advice of council, upon address of both houses,	35

O.

Oaths and affirmations, may be administered by courts and judicatories,	11
how and by whom taken and subscribed,	29, 30, 31, 35
forms of,	29, 30, 35
Quakers may affirm,	30, 36
to be taken by all civil and military officers,	35
Objects of government,	3, 6
Offences and crimes, prosecutions for, regulated,	7
Office of trust, person convicted of bribery, etc., not to hold,	32
Office, rotation in, right secured,	6
all persons having the prescribed qualifications equally eligible to,	6

	Page
Office, no person eligible to, unless they can read and write,	44
Officers, civil, legislature may provide for the naming and settling of,	11
Officers, commission, tenure of office to be expressed in commissions,	26
Officers, judicial, to hold office during good behavior, except, etc., may be removed by governor, with consent of council, upon the address of both houses of the legislature,	26
Officers of former government, continued,	33
Officers of the militia, election and appointment of,	21
removal of,	22, 35
Officers and magistrates, accountable to the people,	5
Offices, plurality of, prohibited to governor, lieutenant-governor and judges,	31, 36
incompatible,	31, 32, 36
Organization of the militia,	22

P.

Pardon of offences, governor with advice of council may grant, but not before conviction,	21
People, to have the sole right to govern themselves as a free, sovereign and independent state,	6
have a right to keep and to bear arms for the public defence,	8
have a right to assemble to consult upon the common good, to instruct their representatives, and to petition legislature,	8
Person and property, remedy for injuries to, should be in the laws,	6
Petition, right of,	8
Plantations, unincorporated, tax-paying inhabitants may vote for councillors and senators,	14
Plurality of offices,	31
of votes, election of civil officers by,	41
Political year, begins on the first Wednesday of January,	37
Polls, ratable, census of,	38
Preamble to constitution,	3
Press, liberty of, essential to the security of freedom,	8
Private property taken for public uses, compensation to be made for,	6
Probate courts, provisions for holding,	26
registers, elected by the people of the several counties,	21, 44
judges may not hold certain other offices,	36
Property qualification, may be increased by the legislature,	32
partially abolished,	41
of governor, annulled,	48
Prosecutions for crimes and offences regulated,	7
Provincial laws, not repugnant to the constitution, continued in force,	32

	Page
Public boards and certain officers to make quarterly reports to the governor,	22
Public officers, right of people to secure rotation,	6
all persons having the prescribed qualifications equally eligible,	6
Public notary (see Notary public).	
Public religious worship, right and duty of,	4
Punishments, cruel and unusual, not to be inflicted,	9

Q.

Quakers, may make affirmation,	30, 36
Qualification of persons to be elected to office may be increased by the legislature,	32
Qualification, property, of governor, abolished,	48
Qualification, property, partially abolished,	41
Qualifications, of a voter,	13, 17, 34, 44, 46, 47, 48
of governor,	18, 43, 48
of lieutenant-governor,	23, 43, 48
of councillors,	41, 43
of senators,	15, 40, 46
of representatives,	16, 41, 45
of secretary, treasurer, auditor, and attorney-general,	43
Qualifications, moral, of officers and magistrates,	8
Quartermasters, appointed by commanding officers of regiments,	22
Quorum, of council,	19, 24, 42
of senate,	16, 46, 48
of house of representatives,	17, 45, 48

R.

Ratable polls, census of,	38
Reading and writing, knowledge of, necessary qualifications for voting or holding office,	44
Records of the commonwealth to be kept in the office of the secretary,	26
Register of the council, resolutions and advice to be recorded in, and signed by members present,	25
Registers of probate, chosen by the people of the several counties,	21, 44
Religious denominations, equal protection secured to all,	5, 38
Religious sect or denomination, no subordination of one to another to be established by law,	5, 38
Religious societies, may elect their own pastors or religious teachers, membership of, defined,	5, 38 38
Religious worship, public, right and duty of, and protection therein, support of the ministry, and erection and repair of houses of worship,	4 4, 5, 38

INDEX TO THE CONSTITUTION.

63

	Page
Remedies by recourse to the law, to be free, complete and prompt,	6
Representatives (see House of representatives).	
Resolves (see Bills and resolves).	
Returns of votes,	13, 19, 42, 43
Revision of constitution provided for in the year 1795,	33
Rights, declaration of,	4

S.

Sailors and soldiers, who have served, etc., during time of war, not disqualified from voting on account of non-payment of poll tax,	48
Salary, a stated and honorable salary to be established for the governor,	23
permanent and honorable salaries to be established for the justices of the supreme judicial court, and to be enlarged if not sufficient,	9, 23
School moneys, not to be appropriated for sectarian schools, . .	44
Seal, great, of the commonwealth to be affixed to all commissions,	32
Search, seizure and arrest, right of, regulated,	7
Secretary of the commonwealth, to be chosen by the people annually in November,	25, 43
to hold office for one year from third Wednesday in January next thereafter, and until another is chosen and qualified,	43
manner of election, etc., same as governor,	43
in failure of election by voters, or in case of decease of person elected, vacancy to be filled by joint ballot of legislature, from the two persons having the highest number of votes at November election,	43
vacancy occurring during session of the legislature, filled by joint ballot of the legislature from the people at large, . .	43
vacancy occurring when legislature is not in session, to be filled by governor, by appointment, with advice and consent of council,	35, 43
not eligible, unless an inhabitant of the state for five years next preceding election or appointment,	43
office to be deemed vacant if person elected or appointed fails to be qualified within ten days,	43
records of commonwealth to be kept in office of,	26
may appoint deputies, for whose conduct he shall be accountable,	26
to attend governor and council, senate and house, in person or by deputies, as they shall require,	26
to attest all commissions,	32
to certify to board authorized to divide county into districts, the number of representatives to which the county is entitled,	45

	Page
Sectarian schools, not to be maintained at public expense, . . .	44
Selectmen, to preside at town meetings, elections, etc., . . .	13
Self-government, right of, asserted,	5
Senate, the first branch of the legislature,	10, 13
to consist of forty members, apportionment, etc., . . .	12, 39, 46
to be chosen annually,	13
governor and at least five councillors, to examine and count votes, and issue summonses to members,	14
to be final judges of elections, returns and qualifications of their own members,	14
vacancy to be filled by election, by people of the district, upon order of majority of senators elected,	15, 46
qualifications of a senator,	15, 41
not to adjourn more than two days at a time,	15
to choose its officers and establish rules,	15
shall try all impeachments,	15, 17
quorum of,	16, 46, 48
may punish for certain offences; trial may be by committee, .	18
may require the attendance of the secretary of the common- wealth in person or by deputy,	26
may require the opinions of the justices of the supreme judicial court upon important questions of law, and upon solemn occasions,	26
to enter objections, made by governor to passage of a bill or resolve, at large on records,	10
districts, forty in number, to be of adjacent territory, and to contain, as near as may be, an equal number of voters, .	46
apportionment based upon legal voters,	46
Sheriffs, elected by the people of the several counties, . . .	21, 44
Silver, value of money mentioned in the constitution to be computed in silver at six shillings and eight pence per ounce, . .	32
Soldier, not to be quartered in any house, in time of peace, without consent of owner,	9
Soldiers and sailors, who have served in time of war, etc., not dis- qualified from voting on account of non-payment of poll tax,	48
Solicitor-general,	21
Standing armies, dangerous to liberty and not to be maintained without consent of the legislature,	8
State or body politic, entitled, — The Commonwealth of Massachu- setts,	10
Supreme judicial court, judges to have honorable salaries fixed by standing laws, and to hold office during good behavior, .	9, 23
to give opinions upon important questions of law, etc., when required by either branch of the legislature or by the gov- ernor and council,	26
not to hold certain other offices,	31, 36
Sureties of bail, excessive, not to be required,	9

T.

	Page
Taxation should be founded on consent,	6, 8
Taxes, not to be levied without the consent of the people or their representatives,	8
may be imposed by the legislature,	12
valuation of estates, to be taken anew once at least every ten years,	12
Tenure that all commission officers shall by law have in their offices, shall be expressed in their commissions,	26
Tests abolished,	36
Title of body politic, — The Commonwealth of Massachusetts, .	10
Title of governor to be, — His Excellency,	18
Title of lieutenant-governor to be, — His Honor,	23
Town clerk, to make record and return of elections,	13
Town meetings, selectmen to preside at,	13
Town representation in the legislature,	16, 39, 40
Towns, voting precincts in,	47
Travelling expenses of members, to general assembly and re- turning home, once in every session, to be paid by the government,	16
Treason and felony, no subject to be declared guilty of, by the legislature,	9
Treasurer and receiver-general, to be chosen by the people an- nually in November,	25, 26, 43
to hold office for one year from third Wednesday in January next thereafter, and until another is chosen and qualified, .	43
manner of election, etc., same as governor,	43
not eligible, unless an inhabitant of the state for five years next preceding election or appointment,	43
no man eligible more than five years successively,	25, 26
in failure of election by voters, or in case of decease of person elected, vacancy to be filled by joint ballot of legislature from the two persons having the highest number of votes at November election,	43
vacancy occurring during session of the legislature, filled by joint ballot of the legislature from the people at large, . .	43
vacancy occurring when legislature is not in session, to be filled by governor, by appointment, with advice and con- sent of the council,	35, 43
office to be deemed vacant if person elected or appointed fails to be qualified within ten days,	43
Treasury, no moneys to be issued from, but upon the warrant of governor, except, etc.,	22
Trial by jury, right to, secured,	7
guaranteed in criminal cases, except in army and navy, .	7

U.

University at Cambridge,	Page 27, 28, 47
------------------------------------	--------------------

V.

Vacancy in office of governor, powers to be exercised by lieutenant-governor,	24
Vacancy in offices of governor and lieutenant-governor, powers to be exercised by the council,	25
Vacancy in the council, to be filled by the election of a resident of the district by concurrent vote of the senate and house; if legislature is not in session, to be filled by governor with advice of the council,	42, 47
Vacancy in the senate, to be filled by election by the people upon the order of a majority of senators elected,	15, 46
Vacancy in office of secretary, treasurer, auditor and attorney-general, caused by decease of person elected, or failure to elect, filled by joint ballot of legislature from the two persons having highest number of votes at November election,	43
occurring during session of legislature, filled by joint ballot of legislature from people at large,	43
occurring when legislature is not in session, to be filled by governor, by appointment, with advice of council,	35, 43
Vacancy in militia office, filled by governor and council, if electors neglect or refuse to make election,	21, 22
Valuation of estates, to be taken anew once in every ten years at least,	12
Veto power of the governor,	10
Voters, qualifications of, at elections for governor, lieutenant-governor, senators and representatives,	13, 17, 34, 44, 46, 47, 48
not disqualified on account of non-payment of poll tax if they have served in the army or navy in time of war, etc.,	48
male citizens, twenty-one years of age, who have resided in the state one year, and within the town or district six months, who have paid a state or county tax within two years next preceding the election of state officers, and such as are exempted by law from taxation, but in other respects qualified, and who can write their names and read the constitution in the English language,	17, 34, 44
the basis upon which the apportionment of representatives to the several counties is made,	44
basis of apportionment of senators,	46
census of, to be taken in 1865, and every tenth year after,	44, 46
Votes, returns of,	13, 19, 42, 43
plurality of, to elect civil officers,	41
Voting precincts in towns,	47

W.

	Page
Worship, public, the right and duty of all men,	4
Writ of habeas corpus, to be enjoyed in the most free, easy, cheap and expeditious manner, and not to be suspended by legislature, except for a limited time,	32
Writing and reading, necessary qualifications for voting, or hold- ing office,	44
Writs, to be issued in the name of the commonwealth under the seal of the court, bear test of the first justice, and be signed by the clerk,	32

Y.

Year, political, begins on the first Wednesday of January, . . .	37
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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1907.

☞ The General Court of the year nineteen hundred and seven assembled on Wednesday, the second day of January. The oaths of office were taken and subscribed by His Excellency CURTIS GUILD, Jr., and His Honor EBEN S. DRAPER, on Thursday, the third day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION *Chap. 1*
OF THE MEMBERS OF THE GENERAL COURT, FOR THE COM-
PENSATION OF THE OFFICERS THEREOF, AND FOR EXPENSES
IN CONNECTION THEREWITH.

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same,
as follows:*

SECTION 1. The sums hereinafter mentioned are appro- Appropriations.
priated, to be paid out of the treasury of the Commonwealth
from the ordinary revenue, for the purposes specified, for
the fiscal year ending on the thirtieth day of November,
nineteen hundred and seven, to wit:—

For the compensation of senators, thirty thousand seven Senators, com-
pensation.
hundred and fifty dollars.

For compensation for travel of senators, a sum not ex- Travel.
ceeding thirty-two hundred dollars.

For the compensation of representatives, one hundred Representa-
tives, compen-
sation.
eighty thousand seven hundred and fifty dollars.

For compensation for travel of representatives, a sum Travel.
not exceeding nineteen thousand dollars.

For the salaries of the clerks of the senate and house of Senate and
house clerks.
representatives, six thousand dollars.

For the salaries of the assistant clerks of the senate and Assistant
clerks.
house of representatives, four thousand dollars.

For such additional clerical assistance to the clerk of the Clerical assist-
ance to clerk of
senate.
senate as may be necessary for the proper despatch of pub-
lic business, a sum not exceeding fifteen hundred dollars.

For such additional clerical assistance to the clerk of the Clerical assist-
ance to clerk of
house.
house of representatives as may be necessary for the proper
despatch of public business, a sum not exceeding twenty-
five hundred dollars.

For the compensation of the chaplains of the senate and Chaplains.
house of representatives, six hundred dollars.

Sergeant-at-arms.	For the salary of the sergeant-at-arms, thirty-five hundred dollars.
First clerk.	For the salary of the first clerk in the office of the sergeant-at-arms, twenty-two hundred dollars.
Cashier.	For the salary of the cashier of the sergeant-at-arms, a sum not exceeding one thousand dollars.
Expenses.	For incidental and contingent expenses of the sergeant-at-arms, and expense of mailing legislative bulletins, a sum not exceeding four hundred and fifty dollars.
Doorkeepers, etc.	For the salaries of the doorkeepers of the senate and house of representatives, and the postmaster, forty-two hundred dollars.
Assistant doorkeepers, etc.	For the compensation of assistant doorkeepers, messengers and pages to the senate and house of representatives, a sum not exceeding twenty-nine thousand dollars.
Printing and binding.	For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding thirty-five thousand dollars.
Manual.	For printing and binding the manual for the general court, under the direction of the clerks of the senate and house of representatives, a sum not exceeding forty-five hundred dollars.
Senate stationery.	For stationery for the senate, purchased by the clerk, a sum not exceeding eight hundred dollars.
House stationery.	For stationery for the house of representatives, purchased by the clerk, a sum not exceeding one thousand dollars.
Sergeant-at-arms, stationery, etc.	For books, stationery, postage, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding one thousand dollars.
Contingent expenses.	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding four thousand dollars.
Expenses of committees.	For authorized expenses of committees of the present general court, to include clerical assistance to committees authorized to employ the same, a sum not exceeding ten thousand dollars.
Advertising hearings.	For expenses of advertising hearings of the committees of the present general court, to include expenses of preparing and mailing the advertisements to the various newspapers, a sum not exceeding ten thousand dollars.
Witness fees, etc.	For expenses of summoning witnesses, and for fees of such witnesses, a sum not exceeding two hundred dollars.

For expenses in connection with the publication of the bulletin of committee hearings, a sum not exceeding forty-five hundred dollars. Publication of bulletin.

SECTION 2. This act shall take effect upon its passage.

Approved January 9, 1907.

AN ACT MAKING APPROPRIATIONS FOR COMPENSATION OF CERTAIN RECESS COMMITTEES. Chap. 2

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the compensation of certain special committees appointed by the general court of the year nineteen hundred and six, to sit during the recess, to wit: — Appropriations.

For the compensation of the joint special committee on insurance, the sum of twenty-eight hundred and fifty dollars. Committee on insurance.

For the compensation of the joint special committee on taxation, the sum of twenty-eight hundred and fifty dollars. Committee on taxation.

For the compensation of the joint special committee on Lord's day laws, the sum of sixteen hundred and fifty dollars. Committee on Lord's day laws.

SECTION 2. This act shall take effect upon its passage.

Approved January 15, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS SCHOOL FUND. Chap. 3

Be it enacted, etc., as follows:

SECTION 1. The sum of nineteen thousand eight hundred eighty-nine dollars and thirty-four cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts School Fund, in accordance with the provisions of section two of chapter forty-one of the Revised Laws. Massachusetts School Fund.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

Chap. 4 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Be it enacted, etc., as follows:

Massachusetts
Institute of
Technology.

SECTION 1. The sum of twenty-nine thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Massachusetts Institute of Technology.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

Chap. 5 AN ACT MAKING AN APPROPRIATION FOR THE DREDGING OF DORCHESTER BAY.

Be it enacted, etc., as follows:

Dredging Dor-
chester bay.

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of dredging Dorchester bay, between Savin Hill and Commercial Point west of the present channel, as authorized by chapter four hundred and fifty-four of the acts of the year nineteen hundred and six, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

Chap. 6 AN ACT MAKING AN APPROPRIATION FOR IMPROVING THE HARBOR AT MENAMSHA INLET IN THE TOWNS OF CHILMARK AND GAY HEAD.

Be it enacted, etc., as follows:

Improving the
harbor of
Menamsha
Inlet.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of deepening and enlarging the channel and anchorage basin at Menamsha Inlet in the towns of Chilmark and Gay Head, as authorized by chapter ninety of the resolves of the year nineteen hundred and six, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER *Chap. 7*
POLYTECHNIC INSTITUTE.

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Worcester Polytechnic Institute, as provided by chapter one hundred and nine of the acts of the year nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION *Chap. 8*
OF A HARBOR FOR BOATS AND YACHTS AT DEACON'S POND
IN THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the construction of a harbor for boats and yachts at Deacon's pond in the town of Falmouth, as authorized by chapter four hundred and sixty-one of the acts of the year nineteen hundred and six, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION *Chap. 9*
OF A STONE BREAKWATER OFF THE TOWN OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the construction of a stone breakwater off the town of Revere, as authorized by chapter ninety-nine of the resolves of the year nineteen hundred and six, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

Chap. 10 AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE JAMESTOWN TER-CENTENNIAL EXPOSITION.

Be it enacted, etc., as follows:

Jamestown
exposition.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to provide a suitable representation of the resources, products and progress of the Commonwealth, as authorized by chapter sixty-five of the resolves of the year nineteen hundred and six, at the Jamestown ter-centennial exposition to be held in the state of Virginia in the year nineteen hundred and seven, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

Chap. 11 AN ACT MAKING AN APPROPRIATION FOR THE GREYLOCK STATE RESERVATION.

Be it enacted, etc., as follows:

Greylock state
reservation.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of acquiring such lands adjoining the present Greylock state reservation as the Greylock reservation commission may deem necessary or advisable, as authorized by chapter four hundred and forty-eight of the acts of the year nineteen hundred and six, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

Chap. 12 AN ACT MAKING AN APPROPRIATION FOR ENLARGING THE MOUNT TOM STATE RESERVATION.

Be it enacted, etc., as follows:

Mount Tom
state reserva-
tion.

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of acquiring such lands adjoining the present Mount Tom state reservation as the Mount Tom state reservation com-

mission may deem necessary or advisable, as authorized by chapter five hundred and fourteen of the acts of the year nineteen hundred and six, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

Chap. 13

Be it enacted, etc., as follows:

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts State Firemen's Association, as provided by chapter one hundred and seventy-one of the acts of the year nineteen hundred and six.

Massachusetts
State Fire-
men's Asso-
ciation.

SECTION 2. This act shall take effect upon its passage.

Approved January 21, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF PREMIUMS ON SECURITIES PURCHASED FOR THE MASSACHUSETTS SCHOOL FUND.

Chap. 14

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding fifteen thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment by the treasurer and receiver general of premiums on securities purchased for the Massachusetts School Fund, as provided by section three of chapter forty-one of the Revised Laws.

Massachusetts
School Fund.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE STATE LIBRARY.

Chap. 15

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Appropriations.

- State librarian. For the salary of the state librarian, three thousand dollars.
- Purchase of books. For the purchase of books for the state library, eighty-five hundred dollars.
- Clerical assistance. For such clerical assistance in the state library as may be necessary, a sum not exceeding fifty-four hundred dollars.
- Index to current events. For preparing an index to current events and such other matters contained in the newspapers of the day as may be deemed important by the trustees and librarian, a sum not exceeding one thousand dollars.
- Contingent expenses. For contingent expenses in the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding two thousand dollars.
- Annual report. For the printing and binding of the annual report of the librarian of the state library, a sum not exceeding eight hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

Chap. 16 AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF ANNUITIES AND PENSIONS TO SOLDIERS AND OTHERS.

Be it enacted, etc., as follows:

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for annuities and pensions due from the Commonwealth to soldiers and others during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —
- Annuities to soldiers, etc. For annuities to soldiers and others, as authorized by the general court, the sum of fifty-one hundred and forty-six dollars.
- Pensions. For pensions authorized by the general court, the sum of five hundred and twenty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

Chap. 17 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE BOARD OF CONCILIATION AND ARBITRATION.

Be it enacted, etc., as follows:

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

from the ordinary revenue, for the state board of conciliation and arbitration, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For the salaries of the members of the board, seventy-five hundred dollars. Board of conciliation, etc.

For the salary of the secretary of the board, fifteen hundred dollars. Secretary.

For travelling, incidental and contingent expenses of the board, the same to include the printing and binding of the annual report, also the compensation of expert assistants, a sum not exceeding eleven thousand six hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TREASURER AND RECEIVER GENERAL.

Chap. 18

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: — Appropriations.

For the salary of the treasurer and receiver general of the Commonwealth, five thousand dollars. Treasurer.

For the salary of the first clerk in the treasurer's department, twenty-six hundred dollars. First clerk.

For the salary of the second clerk in the treasurer's department, twenty-one hundred dollars. Second clerk.

For the salary of the third clerk in the treasurer's department, eighteen hundred dollars. Third clerk.

For the salary of the receiving teller in the treasurer's department, eighteen hundred dollars. Receiving teller.

For the salary of the paying teller in the treasurer's department, eighteen hundred dollars. Paying teller.

For the salary of the assistant paying teller in the treasurer's department, one thousand dollars. Assistant paying teller.

For the salary of the cashier in the treasurer's department, twenty-two hundred dollars. Cashier.

For the salary of the assistant bookkeeper in the treasurer's department, fifteen hundred dollars. Assistant bookkeeper.

For the salary of the fund clerk in the treasurer's department, fifteen hundred dollars. Fund clerk.

Warrant clerk.	For the salary of the warrant clerk in the treasurer's department, twelve hundred dollars.
Files clerk.	For the salary of the files clerk in the treasurer's department, nine hundred dollars.
Stenographer.	For the salary of the stenographer in the treasurer's department, nine hundred dollars.
Messenger.	For the salary of the messenger in the treasurer's department, nine hundred dollars.
Clerical assistance.	For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding thirty-five hundred dollars.
Contingent expenses.	For incidental and contingent expenses in the treasurer's department, a sum not exceeding four thousand dollars.
Legacy tax clerk.	For the salary of the legacy tax clerk in the treasurer's department, nineteen hundred dollars.
Tax on collateral legacies, etc.	For such expenses as the treasurer and receiver general may find necessary in carrying out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding four thousand dollars.
Deputy sealer of weights, etc.	For the salary of the deputy sealer of weights, measures and balances, fifteen hundred dollars.
Travelling expenses, etc.	For travelling and other expenses of the deputy sealer of weights, measures and balances, a sum not exceeding seven hundred dollars; and for furnishing sets of standard weights, measures and balances to towns not heretofore provided therewith, and to each newly incorporated town; also to provide cities and towns with such parts of said sets as may be necessary to make their sets complete, a sum not exceeding four hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

Chap. 19 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE AUDITOR OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—
Auditor.	For the salary of the auditor, thirty-five hundred dollars.

For the salary of the first clerk in the auditor's department, twenty-five hundred dollars. First clerk.

For the salary of the second clerk in the auditor's department, twenty-two hundred dollars. Second clerk.

For the salaries of the extra clerks in the auditor's department, six thousand dollars. Extra clerks.

For stenographers and such additional clerical assistance as the auditor may find necessary for the proper despatch of public business, a sum not exceeding forty-five hundred dollars. Stenographers, etc.

For the salary of the messenger in the auditor's department, nine hundred dollars. Messenger.

For the compensation of a state printing expert, a sum not exceeding fifteen hundred dollars. State printing expert.

For incidental and contingent expenses in the department of the auditor, a sum not exceeding fifteen hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

Chap. 20

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:— Appropriations.

For the salary of the governor, eight thousand dollars. Governor.

For the compensation of the lieutenant governor, two thousand dollars; and for that of the executive council, sixty-four hundred dollars. Lieutenant governor and council.

For travelling expenses of the executive council, a sum not exceeding one thousand dollars. Travelling expenses.

For the salary of the private secretary of the governor, twenty-five hundred dollars. Private secretary to governor.

For the salary of the executive secretary, twenty-five hundred dollars. Executive secretary.

For the salary of the executive stenographer, a sum not exceeding fifteen hundred dollars. Executive stenographer.

For clerical assistance in the executive department, a sum not exceeding one thousand dollars. Clerical assistance.

Executive messenger.	For the salary of the executive messenger, twelve hundred dollars.
Assistant.	For the salary of the assistant executive messenger, eight hundred dollars.
Expenses of executive department.	For contingent expenses of the executive department, a sum not exceeding three thousand dollars.
Postage, printing, etc.	For postage, printing and stationery for the executive department, a sum not exceeding twelve hundred dollars.
Travelling expenses, etc.	For travelling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars.
Postage, printing, etc.	For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.
Extraordinary expenses.	For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding fifteen thousand dollars.
Tables and indexes to statutes.	For the preparation of tables and indexes relating to the statutes of the present year and of previous years, a sum not exceeding five hundred dollars.
Arrest of fugitives.	For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars.
SECTION 2. This act shall take effect upon its passage.	
<i>Approved January 23, 1907.</i>	

Chap. 21 AN ACT MAKING APPROPRIATIONS FOR SUNDRY SINKING FUNDS.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to make good deficiencies in certain sinking funds, being the estimate of the treasurer and receiver general, to wit: —
Harbor Improvement Loan Sinking Fund.	For the Harbor Improvement Loan Sinking Fund, the sum of thirty-eight hundred and seventy-five dollars.
Metropolitan Parks Loan Sinking Fund, Series Two.	For the Metropolitan Parks Loan Sinking Fund, Series Two (one half), the sum of twenty-nine thousand two hundred dollars.
Medfield Insane Asylum Loan Sinking Fund.	For the Medfield Insane Asylum Loan Sinking Fund, the sum of twenty-eight thousand eight hundred and eighty dollars.
Prisons and Hospitals Loan Sinking Fund.	For the Prisons and Hospitals Loan Sinking Fund, the sum of sixty-eight thousand and sixteen dollars.

For the State Highway Loan Sinking Fund, the sum of eighty-six thousand five hundred and one dollars. State Highway Loan Sinking Fund.

For the State House Loans Sinking Fund, the sum of ninety-two thousand nine hundred and eighty-five dollars. State House Loans Sinking Fund.

For the Massachusetts War Loan Sinking Fund, the sum of twenty thousand six hundred and ninety-three dollars. Massachusetts War Loan Sinking Fund.

For the income of the Technical Education Fund, United States Grant, the sum of thirty-two hundred and eighty-five dollars. Technical Education Fund, United States Grant.

To provide for the payment of state highway serial bonds, due April first, nineteen hundred and seven, twenty thousand dollars. State highway serial bonds.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE JUDICIAL DEPARTMENT OF THE COMMONWEALTH.

Chap. 22

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: — Appropriations.

SUPREME JUDICIAL COURT.

For the salaries and travelling expenses of the chief justice and of the six associate justices of the supreme judicial court, sixty thousand dollars. Chief justice and associate justices of supreme judicial court.

For the salary of the clerk of the supreme judicial court, three thousand dollars. Clerk.

For clerical assistance to the clerk of the supreme judicial court, five hundred dollars. Clerical assistance to clerk.

For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-five hundred dollars. Clerical assistance to justices.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars. Expenses.

For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars; and for clerk hire and incidental expenses of said reporter, a sum not exceeding two thousand dollars. Reporter of decisions, etc.

Officers and messenger.

For the salaries of the officers and messenger of the supreme judicial court, twenty-four hundred dollars.

Clerk for Suffolk county.

For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.

Retired justices.

For the salaries of the retired justices of the supreme judicial court, eleven thousand two hundred and fifty dollars.

SUPERIOR COURT.

Chief justice and associate justices of superior court.

For the salaries and travelling expenses of the chief justice and of the twenty-two associate justices of the superior court, one hundred and sixty-one thousand five hundred dollars.

Assistant clerk.

For the salary of the assistant clerk of the superior court, five hundred dollars.

COURTS OF PROBATE AND INSOLVENCY.

Judge of probate and insolvency, Barnstable, Berkshire.

For the salary of the judge of probate and insolvency for the county of Barnstable, fourteen hundred dollars.

Bristol.

For the salary of the judge of probate and insolvency for the county of Berkshire, twenty-five hundred dollars.

Dukes County.

For the salary of the judge of probate and insolvency for the county of Bristol, forty-two hundred dollars.

Essex.

For the salary of the judge of probate and insolvency for the county of Dukes County, nine hundred dollars.

Franklin.

For the salary of the judge of probate and insolvency for the county of Essex, forty-five hundred dollars.

Hampden.

For the salary of the judge of probate and insolvency for the county of Franklin, fifteen hundred dollars.

Hampshire.

For the salary of the judge of probate and insolvency for the county of Hampden, thirty-four hundred dollars.

Middlesex.

For the salary of the judge of probate and insolvency for the county of Hampshire, seventeen hundred dollars.

Nantucket.

For the salaries of the two judges of probate and insolvency for the county of Middlesex, ten thousand dollars.

Norfolk.

For the salary of the judge of probate and insolvency for the county of Nantucket, nine hundred dollars.

Plymouth.

For the salary of the judge of probate and insolvency for the county of Norfolk, four thousand dollars.

Suffolk.

For the salary of the judge of probate and insolvency for the county of Plymouth, twenty-six hundred dollars.

For the salaries of the two judges of probate and insolvency for the county of Suffolk, twelve thousand dollars.

For the salary of the judge of probate and insolvency for the county of Worcester, forty-five hundred dollars. Worcester.

For the salaries of retired judges of probate and insolvency, a sum not exceeding fifty-one hundred and fifty dollars. Retired judges.

For the compensation of judges of probate and insolvency acting in other counties than their own, a sum not exceeding fifteen hundred dollars. Judges acting in other counties.

For the salary of the register of probate and insolvency for the county of Barnstable, thirteen hundred dollars. Register, Barnstable.

For the salary of the register of probate and insolvency for the county of Berkshire, eighteen hundred dollars. Berkshire.

For the salary of the register of probate and insolvency for the county of Bristol, thirty-five hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Dukes County, eight hundred dollars. Dukes County.

For the salary of the register of probate and insolvency for the county of Essex, thirty-five hundred dollars. Essex.

For the salary of the register of probate and insolvency for the county of Franklin, fifteen hundred dollars. Franklin.

For the salary of the register of probate and insolvency for the county of Hampden, twenty-eight hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Hampshire, sixteen hundred dollars. Hampshire.

For the salary of the register of probate and insolvency for the county of Middlesex, four thousand dollars. Middlesex.

For the salary of the register of probate and insolvency for the county of Nantucket, nine hundred dollars. Nantucket.

For the salary of the register of probate and insolvency for the county of Norfolk, twenty-five hundred dollars. Norfolk.

For the salary of the register of probate and insolvency for the county of Plymouth, twenty-one hundred dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Suffolk, five thousand dollars. Suffolk.

For the salary of the register of probate and insolvency for the county of Worcester, thirty-five hundred dollars. Worcester.

For the salary of the assistant register of probate and insolvency for the county of Berkshire, nine hundred dollars. Assistant register, Berkshire.

For the salary of the assistant register of probate and insolvency for the county of Bristol, seventeen hundred and fifty dollars. Bristol.

Essex.	For the salary of the assistant register of probate and insolvency for the county of Essex, twenty-three hundred dollars.
Franklin.	For the salary of the assistant register of probate and insolvency for the county of Franklin, six hundred dollars.
Hampden.	For the salary of the assistant register of probate and insolvency for the county of Hampden, fourteen hundred dollars.
Hampshire.	For the salary of the assistant register of probate and insolvency for the county of Hampshire, seven hundred dollars.
Middlesex.	For the salaries of the assistant registers of probate and insolvency for the county of Middlesex, five thousand dollars.
Norfolk.	For the salary of the assistant register of probate and insolvency for the county of Norfolk, twelve hundred and fifty dollars.
Suffolk.	For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars.
Worcester.	For the salary of the assistant register of probate and insolvency for the county of Worcester, twenty-three hundred dollars.
Clerical assistance, Barnstable.	For extra clerical assistance to the register of probate and insolvency for the county of Barnstable, a sum not exceeding four hundred thirty-three dollars and thirty-four cents.
Berkshire.	For extra clerical assistance to the register of probate and insolvency for the county of Berkshire, a sum not exceeding six hundred dollars.
Bristol.	For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding fifteen hundred sixty-six dollars and sixty-seven cents.
Dukes County.	For extra clerical assistance to the register of probate and insolvency for the county of Dukes County, a sum not exceeding two hundred sixty-six dollars and sixty-seven cents.
Essex.	For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding forty-five hundred sixteen dollars and sixty-seven cents.
Hampden.	For extra clerical assistance to the register of probate and insolvency for the county of Hampden, a sum not ex-

ceeding fifteen hundred thirty-three dollars and thirty-three cents.

For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding sixty-eight hundred thirty-three dollars and thirty-three cents. Middlesex.

For extra clerical assistance to the register of probate and insolvency for the county of Nantucket, a sum not exceeding three hundred dollars. Nantucket.

For extra clerical assistance to the register of probate and insolvency for the county of Norfolk, a sum not exceeding two thousand thirty-three dollars and thirty-three cents. Norfolk.

For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, a sum not exceeding sixteen hundred dollars. Plymouth.

For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, a sum not exceeding fifty-one hundred dollars. Suffolk.

For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding forty-five hundred sixteen dollars and sixty-six cents. Worcester.

For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, twelve hundred dollars. Clerk of register, Suffolk.

For expenses of courts of probate and insolvency, a sum not exceeding five hundred dollars. Expenses.

DISTRICT ATTORNEYS.

For the salary of the district attorney for the Suffolk district, five thousand dollars. District attorney, Suffolk.

For the salary of the first assistant district attorney for the Suffolk district, thirty-eight hundred dollars. First assistant.

For the salary of the second assistant district attorney for the Suffolk district, thirty-eight hundred dollars. Second assistant.

For the salary of the third assistant district attorney for the Suffolk district, thirty-eight hundred dollars. Third assistant.

For the salary of the clerk of the district attorney for the Suffolk district, eighteen hundred dollars. Clerk.

For the salary of the district attorney for the northern district, three thousand dollars. Northern district.

Assistant.	For the salary of the assistant district attorney for the northern district, two thousand dollars.
Eastern district.	For the salary of the district attorney for the eastern district, twenty-four hundred dollars.
Assistant.	For the salary of the assistant district attorney for the eastern district, sixteen hundred dollars.
Southeastern district.	For the salary of the district attorney for the southeastern district, twenty-four hundred dollars.
Assistant.	For the salary of the assistant district attorney for the southeastern district, sixteen hundred dollars.
Southern district.	For the salary of the district attorney for the southern district, twenty-four hundred dollars.
Assistant.	For the salary of the assistant district attorney for the southern district, sixteen hundred dollars.
Middle district.	For the salary of the district attorney for the middle district, twenty-four hundred dollars.
Assistant.	For the salary of the assistant district attorney for the middle district, sixteen hundred dollars.
Western district.	For the salary of the district attorney for the western district, twenty-four hundred dollars.
Northwestern district.	For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars.
Travelling expenses, etc.	For travelling expenses necessarily incurred by the district attorneys and assistant district attorneys, except in the Suffolk district, a sum not exceeding one thousand dollars.

LAND COURT.

Judge of land court.	For the salary of the judge of the land court, six thousand dollars.
Associate judge.	For the salary of the associate judge of the land court, six thousand dollars.
Recorder.	For the salary of the recorder of the land court, forty-five hundred dollars.
Clerical assistance.	For clerical assistance in the office of the land court, a sum not exceeding sixty-one hundred and thirty dollars.
Expenses.	For sheriffs' bills, advertising, surveying, examining titles, and sundry incidental expenses of the land court, a sum not exceeding eighteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BALLOT LAW COMMISSION. *Chap. 23*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For the compensation of the ballot law commission, a sum not exceeding fifteen hundred dollars. Appropriations.
Ballot law commission.

For expenses of the ballot law commission, a sum not exceeding one hundred and fifty dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES IN CONNECTION WITH THE SUPPRESSION OF THE GYPSY AND BROWN TAIL MOTHS. *Chap. 24*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the extermination of the gypsy and brown tail moths, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For suppressing the gypsy and brown tail moths, a sum not exceeding eighty-seven thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose. Appropriations.
Suppressing the gypsy and brown tail moths.

For experimenting with parasites or natural enemies for destroying said moths, a sum not exceeding ten thousand eight hundred thirty-three dollars and thirty-four cents. Experimenting with parasites.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE COMMISSIONER OF PUBLIC RECORDS. *Chap. 25*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

Appropriations.

from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Commissioner
of public
records.
Expenses.

For the salary of the commissioner of public records, twenty-five hundred dollars.

For travelling, clerical and other necessary expenses of the commissioner of public records, including the printing of his annual report, a sum not exceeding nineteen hundred and eighty dollars.

Purchase of
ink.

For the purchase of ink for public records, a sum not exceeding four hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

Chap. 26 AN ACT RELATIVE TO THE MARCH SITTING OF THE SUPERIOR COURT FOR CIVIL BUSINESS IN THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows:

Sitting of
superior court,
county of
Hampden.

SECTION 1. The sitting of the superior court now held on the second Monday of March, at Springfield, within and for the county of Hampden, for civil business, shall hereafter be held on the first Monday of March.

SECTION 2. This act shall take effect upon its passage.

Approved January 23, 1907.

Chap. 27 AN ACT TO CHANGE THE CORPORATE NAME OF THE TOWN OF COTTAGE CITY TO OAK BLUFFS.

Be it enacted, etc., as follows:

Change of
name.

SECTION 1. The corporate name of the town of Cottage City shall hereafter be Oak Bluffs.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 28 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Be it enacted, etc., as follows:

Appropriations,
Massachusetts
Agricultural
College.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts Agricultural College, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For providing one hundred and twenty free scholarships, the sum of fifteen thousand dollars. Scholarships.

For providing the theoretical and practical education required by the charter of the college and by the laws of the United States relating thereto, the sum of thirteen thousand dollars. Theoretical and practical education.

For the further maintenance of the college, the sum of ten thousand dollars, of which five thousand dollars a year shall be used as a labor fund for the assistance of needy students. Labor fund, etc.

For a maintenance fund for the veterinary laboratory at the college, the sum of one thousand dollars. Veterinary laboratory.

For maintenance of the heating and lighting plant of the college, the sum of five hundred dollars. Heating and lighting plant.

For maintenance of the dining hall at the college, the sum of five hundred dollars. Dining hall.

For maintaining an agricultural experiment station at the college, the sum of ten thousand five hundred dollars. Experiment station.

For collecting and analyzing samples of concentrated commercial feed stuffs, a sum not exceeding three thousand dollars. Collecting and analyzing samples, etc.

For travelling and other necessary expenses of the trustees of the college, a sum not exceeding eight hundred dollars. Expenses of trustees.

For printing and binding the report of the trustees, a sum not exceeding twelve hundred dollars. Report of trustees.

For printing and binding the report of the Hatch experiment station, a sum not exceeding twelve hundred dollars. Report of Hatch experiment station.

For establishing a normal department at the college, for the purpose of giving instruction in the elements of agriculture to persons desiring to teach such elements in the public schools, a sum not exceeding five thousand dollars. Normal department.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN DENTISTRY.

Chap. 29

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for Appropriations.

the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Board of
registration
in dentistry.

For the salaries of the members of the board of registration in dentistry, seventeen hundred dollars.

Clerical
services, etc.

For clerical services, postage, printing, travelling and other necessary expenses of the board, to include the printing of the annual report, a sum not exceeding twenty-two hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 30 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the department of the sergeant-at-arms, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Engineer's
department.

For the salary of the chief engineer and other employees in the engineer's department, a sum not exceeding twenty-eight thousand four hundred dollars.

Watchmen,
etc.

For the salaries of the watchmen and assistant watchmen at the state house, a sum not exceeding fourteen thousand six hundred dollars.

Messengers,
porters, etc.

For the salaries of the sergeant-at-arms' messengers, porters and office boy at the state house, a sum not exceeding ten thousand three hundred dollars.

Telephones.

For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding sixty-six hundred dollars.

Heat, light,
etc.

For heat, light and power at the state house, including coal, water, gas, and the removal of ashes, a sum not exceeding thirty-five thousand dollars.

Care of state
house, etc.

For the care of the state house and grounds, including repairs, furniture and repairs thereof, and such expenses as may be necessary at the various buildings now occupied by state departments, a sum not exceeding twenty-four thousand dollars.

New furniture,
etc.

For new furniture and fixtures, a sum not exceeding ten thousand dollars.

State house
matron.

For the salary of the state house matron, a sum not exceeding eight hundred dollars.

For the salary of the state house carpenter, the sum of fourteen hundred dollars. State house carpenter.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN VETERINARY MEDICINE. Chap. 31

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: — Appropriations.

For the salaries of the members of the board of registration in veterinary medicine, a sum not exceeding six hundred dollars. Board of registration in veterinary medicine.

For travelling and other expenses of the members of the board, a sum not exceeding ten hundred and fifty dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, FOR PURCHASING PAPER AND FOR PUBLISHING LAWS AND MATTERS RELATING TO ELECTIONS. Chap. 32

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: — Appropriations.

For printing and binding the series of public documents, a sum not exceeding eighteen thousand dollars. Public documents.

For printing the pamphlet edition of the acts and resolves of the present year, a sum not exceeding five thousand dollars. Pamphlet edition of acts, etc.

For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding seventy-five hundred dollars. Blue book.

For the newspaper publication of the general laws and of information intended for the public, a sum not exceeding five hundred dollars. Publication of laws.

For reports of decisions of the supreme judicial court, a sum not exceeding two thousand dollars. Decisions of supreme judicial court.

Purchase of
paper.

For the purchase of paper used in the execution of the contract for the state printing, a sum not exceeding thirty-six thousand dollars.

Assessors'
books, etc.

For assessors' books and blanks, a sum not exceeding fifteen hundred dollars.

Registration
books, etc.

For registration books and blanks, indexing returns and editing the registration report, a sum not exceeding five thousand dollars.

Printing, etc.,
ballots.

For printing and distributing ballots, a sum not exceeding ten thousand dollars.

Blank forms,
etc.

For blanks for town officers, election laws, and blanks and instructions on all matters relating to elections, and for the expense of advertising the state ticket, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 33 AN ACT MAKING APPROPRIATIONS FOR EXPENSES IN CONNECTION WITH THE SUPERVISION OF TELEPHONE AND TELEGRAPH COMPANIES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Telephone and Telegraph Commissioners' Fund, to meet the expenses of the supervision of telephone and telegraph companies by the Massachusetts highway commission during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Highway
commission.

For the salaries of the commissioners, the sum of forty-five hundred dollars.

Expenses.

For necessary statistics, books, stationery, clerks, and for travelling and incidental expenses, a sum not exceeding six thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 34 AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for

the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For medical examiners' fees, a sum not exceeding four hundred dollars. Medical examiners' fees.

For travelling, clerical and other necessary expenses of the state board of publication, a sum not exceeding one hundred dollars. Expenses of state board of publication.

For the payment of damages caused by wild deer, a sum not exceeding twenty-five hundred dollars. Damages by wild deer.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year nineteen hundred and seven, the sum of three hundred dollars. Repair, etc., of roads in Mashpee.

For assistance to the town of Truro in maintaining a section of its county highway known as Beach Point road, a sum not exceeding five hundred dollars. Beach Point road in Truro.

For small items of expenditure for which no appropriations have been made, and for cases in which appropriations have been exhausted or have reverted to the Commonwealth in previous years, a sum not exceeding one thousand dollars, to be expended under the direction of the auditor of accounts. Small items of expenditure.

For taking evidence given at inquests in cases of death by accident occurring upon steam and street railways, a sum not exceeding three thousand dollars. Taking of evidence at inquests, etc.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TAX COMMISSIONER AND COMMISSIONER OF CORPORATIONS.

Chap. 35

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: — Appropriations.

For the salary of the tax commissioner and commissioner of corporations, thirty-five hundred dollars. Tax commissioner.

For the salary of the deputy tax commissioner, twenty-five hundred dollars. Deputy.

For the salary of the first clerk in the department of the tax commissioner, two thousand dollars. First clerk.

- Second clerk. For the salary of the second clerk in the department of the tax commissioner, fifteen hundred dollars.
- Clerical assistance. For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public business, a sum not exceeding twenty-two thousand five hundred dollars.
- Incidental and contingent expenses. For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding forty-five hundred dollars.
- Travelling expenses. For travelling expenses of the tax commissioner and his deputy, a sum not exceeding five hundred dollars.
- State valuation. For expenses of the state valuation, under the direction of the tax commissioner, a sum not exceeding three thousand dollars.
- Annual report. For printing and binding the annual report of the tax commissioner, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 36 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRISON.

Be it enacted, etc., as follows:

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

State prison, salaries. For the payment of salaries at the state prison, a sum not exceeding eighty-one thousand dollars.

Expenses. For other current expenses at the state prison, a sum not exceeding eighty-one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 37 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE PRISON COMMISSIONERS, AND FOR SUNDRY REFORMATORY EXPENSES.

Be it enacted, etc., as follows:

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for

the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For the salary of the chairman of the prison commissioners, four thousand dollars.

Prison commissioners,
chairman.
Secretary.

For the salary of the secretary of the prison commissioners, twenty-five hundred dollars.

For clerical assistance in the office of the prison commissioners, a sum not exceeding forty-eight hundred dollars.

Clerical
assistance.

For the salaries of the agents of the prison commissioners, fifty-two hundred dollars.

Agents.

For travelling expenses of the prison commissioners and of the secretary and agents of said commissioners, a sum not exceeding three thousand dollars.

Travelling
expenses.

For incidental and contingent expenses of the prison commissioners, including the printing and binding of their annual report, a sum not exceeding twenty-six hundred dollars.

Incidental and
contingent
expenses.

For the salary of the agent for aiding discharged female prisoners, one thousand dollars.

Aiding dis-
charged female
prisoners.
Expenses of
agent.

For the expenses of the agent for aiding discharged female prisoners, including assistance rendered to such prisoners, a sum not exceeding three thousand dollars.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding five thousand dollars.

Aiding prison-
ers discharged
from re-
formatory.

For aiding prisoners discharged from the state prison, a sum not exceeding three thousand dollars.

Aiding prison-
ers discharged
from state
prison.

For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding two thousand dollars.

Removal of
prisoners.

For expenses in connection with the identification of criminals, a sum not exceeding twenty-one hundred dollars.

Identification
of criminals.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF CLAIMS ARISING FROM THE DEATH OF FIREMEN KILLED OR INJURED IN THE DISCHARGE OF THEIR DUTIES.

Chap. 38

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth, as authorized by section seventy-seven of chapter thirty-two of the Revised Laws, for the payment of such claims as may arise in consequence of the death of

Payment of
claims arising
from the death
of firemen.

firemen belonging to the regularly organized fire department of a city or town, or of members in active service of any incorporated protective department, or of any person doing duty at the request of or by order of the authorities of a town which has no organized fire department, who are killed or who die from injuries received while in the discharge of their duties at fires, during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 39 AN ACT MAKING APPROPRIATIONS FOR MAINTAINING THE INDUSTRIAL CAMP AND HOSPITAL FOR PRISONERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Industrial camp for prisoners.

For salaries and expenses at the industrial camp for prisoners, a sum not exceeding seventeen thousand five hundred dollars.

Hospital for prisoners.

For salaries and expenses at the hospital for prisoners having tubercular disease, a sum not exceeding ten thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 40 AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN MEDICINE.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Board of registration in medicine.

For the salaries of the members of the board of registration in medicine, forty-three hundred dollars.

Travelling expenses, etc.

For travelling and other expenses of the board, a sum not exceeding six hundred dollars.

Clerk.

For the clerk of the board, the sum of seven hundred and eighty dollars.

For printing, postage, office supplies and contingent expenses of the members of the board, to include the printing of the annual report, a sum not exceeding ten hundred and twenty dollars.

Contingent expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE REFORMATORY PRISON FOR WOMEN. Chap. 41

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the reformatory prison for women, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Appropriations, reformatory prison for women.

For the payment of salaries, wages and labor, a sum not exceeding twenty-eight thousand dollars.

Salaries, etc.

For other current expenses, a sum not exceeding thirty-two thousand dollars.

Expenses.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at said prison, the sum of six hundred dollars.

Town of Framingham.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE MASSACHUSETTS REFORMATORY. Chap. 42

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts reformatory, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Appropriations, Massachusetts reformatory.

For the salaries of officers, a sum not exceeding eighty-three thousand six hundred dollars.

Salaries of officers.

For the salaries and wages of instructors, teachers and other employees, a sum not exceeding twenty-six thousand one hundred dollars.

Instructors, teachers, etc.

For other current expenses, a sum not exceeding one hundred and six thousand two hundred dollars.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 43 AN ACT TO AUTHORIZE THE COMMISSIONER OF STATE AID AND PENSIONS TO EMPLOY ADDITIONAL CLERICAL ASSISTANCE.

Be it enacted, etc., as follows:

Commissioner of state aid and pensions may employ additional clerical assistance.

SECTION 1. The commissioner of state aid and pensions is hereby authorized to employ in his office such additional clerical assistance as may be necessary for the proper despatch of public business, at an expense not exceeding twelve hundred dollars a year; this amount to be in addition to the sums authorized by section one of chapter three hundred and eighty-one of the acts of the year nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 44 AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES DURING THE YEAR NINETEEN HUNDRED AND SIX.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses in excess of the appropriations therefor in the year nineteen hundred and six, to wit: —

Support, etc., of unsettled pauper infants.

For the support and transportation of unsettled pauper infants in this Commonwealth, the sum of ninety-five hundred sixty-four dollars and seventy-seven cents.

Expenses in division of state minor wards.

For salaries and expenses in the division of state minor wards, the sum of twenty-one hundred seventeen dollars and sixty-five cents.

SECTION 2. This act shall take effect upon its passage.

Approved January 25, 1907.

Chap. 45 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for

the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For the salary of the secretary of the Commonwealth, Secretary.
thirty-five hundred dollars.

For the salary of the first clerk in the secretary's de- First clerk.
partment, twenty-five hundred dollars.

For the salary of the second clerk in the secretary's de- Second clerk.
partment, twenty-two hundred dollars.

For the salary of the chief of the archives division in Chief of
archives
division.
the secretary's department, two thousand dollars.

For the salary of the cashier in the secretary's depart- Cashier.
ment, a sum not exceeding twelve hundred dollars.

For messengers and such additional clerical assistance as Clerical
assistance
and
messengers.
the secretary may find necessary, a sum not exceeding
twenty-eight thousand five hundred dollars.

For incidental and contingent expenses in the secretary's Expenses.
department, a sum not exceeding four thousand dollars.

For the arrangement and preservation of state records Arrangement,
etc., of
records.
and papers, a sum not exceeding four thousand dollars.

For postage and expressage on documents to members Postage, etc.
of the general court, and for transportation of documents
to free public libraries, a sum not exceeding three thou-
sand dollars.

For furnishing cities and towns with ballot boxes and Ballot boxes.
for repairs to the same, a sum not exceeding two thousand
dollars.

For the purchase of apparatus to be used at polling places Counting
apparatus.
in the canvass and count of votes, a sum not exceeding five
hundred dollars.

For the purchase of histories of regiments, batteries, and Regimental
histories.
other military organizations of the Massachusetts volun-
teers who served in the civil war, a sum not exceeding two
thousand dollars.

For the preservation of town records of births, mar- Preservation
of certain
town records.
riages and deaths previous to the year eighteen hundred
and fifty, a sum not exceeding fifteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

Chap. 46 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE CIVIL SERVICE COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Civil service commission.

For the compensation and expenses of the members of the civil service commission, a sum not exceeding three thousand dollars.

Chief examiner.

For the salary of the chief examiner of the civil service commission, three thousand dollars.

Secretary.

For the salary of the secretary of the civil service commission, two thousand dollars.

Registrar of labor.

For the salary of the registrar of labor of the civil service commission, two thousand dollars.

Clerical assistance, etc.

For clerical assistance, and for office, printing, traveling and incidental expenses of the commissioners, chief examiner, secretary and inspectors, and for advertising and stationery, a sum not exceeding twenty-four thousand seven hundred dollars.

Annual report.

For printing and binding ten thousand copies of the annual report of the civil service commission, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

Chap. 47 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE BANK COMMISSIONER.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for salaries and expenses in the department of the bank commissioner, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Bank commissioner.

For the salary of the bank commissioner, the sum of five thousand dollars.

Deputy.

For the salary of the deputy bank commissioner, the sum of three thousand dollars.

For the salary of the secretary of the bank commissioner, Secretary.
the sum of twenty-five hundred dollars.

For the salaries of the examiners of the bank commis- Examiners.
sioner, the sum of ten thousand dollars.

For the salary of the first clerk of the bank commis- First clerk.
sioner, the sum of two thousand dollars.

For the salary of the second clerk of the bank commis- Second clerk.
sioner, the sum of seventeen hundred dollars.

For the salary of the third clerk of the bank commis- Third clerk.
sioner, the sum of fourteen hundred dollars.

For such additional clerks and expert assistants as the Additional
clerks, etc.
bank commissioner may deem necessary, a sum not exceed-
ing twenty-five hundred dollars.

For printing, stationery and office supplies and travel- Expenses.
ling and other expenses of the bank commissioner, a sum
not exceeding sixty-two hundred and fifty dollars.

For printing and binding the annual report, a sum not Annual report.
exceeding fifty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EX- Chap. 48
PENSES IN THE OFFICE OF THE CONTROLLER OF COUNTY
ACCOUNTS.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appro- Appropriations.
priated, to be paid out of the treasury of the Commonwealth
from the ordinary revenue, for the purposes specified, for
the fiscal year ending on the thirtieth day of November,
nineteen hundred and seven, to wit:—

For the salary of the controller of county accounts, Controller of
county ac-
counts.
twenty-five hundred dollars.

For the salary of the first deputy controller of county First deputy.
accounts, eighteen hundred dollars.

For the salary of the second deputy controller of county Second deputy.
accounts, fifteen hundred dollars.

For the salary of the third deputy controller of county Third deputy.
accounts, twelve hundred dollars.

For travelling and office expenses of the controller of Expenses.
county accounts and of his deputies, to include the print-
ing and binding of the annual report, a sum not exceeding
fourteen hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

Chap. 49 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ATTORNEY-GENERAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Attorney-general.

For the salary of the attorney-general, five thousand dollars.

Assistants, etc.

For the compensation of assistants in the office of the attorney-general, and for such additional legal assistance as he may deem necessary in the discharge of his duties, and also for any other expenses in his department, a sum not exceeding forty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

Chap. 50 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Insurance commissioner.

For the salary of the insurance commissioner, thirty-five hundred dollars.

Deputy.

For the salary of the deputy insurance commissioner, twenty-five hundred dollars.

Actuary.

For the salary of the actuary in the insurance department, two thousand dollars.

Examiner.

For the salary of the examiner in the insurance department, two thousand dollars.

Chief clerk.

For the salary of the chief clerk in the insurance department, two thousand dollars.

Second clerk.

For the salary of the second clerk in the insurance department, fifteen hundred dollars.

Third clerk.

For the salary of the third clerk in the insurance department, twelve hundred dollars.

For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding thirty-three thousand six hundred and fifty dollars.

Additional clerks, etc.

For incidental and contingent expenses of the insurance commissioner, a sum not exceeding seven thousand dollars.

Expenses.

For printing and binding the annual report of the insurance commissioner, a sum not exceeding five thousand dollars.

Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE BOARD OF FREE PUBLIC LIBRARY COMMISSIONERS. *Chap. 51*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Appropriations.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding two thousand dollars.

Free public libraries.

For clerical assistance to and incidental and necessary expenses of the board of free public library commissioners, the same to include the printing and binding of the annual report, a sum not exceeding seven hundred dollars.

Clerical assistance, etc.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF EDUCATION, AND FOR SUNDRY EDUCATIONAL EXPENSES. *Chap. 52*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Appropriations.

For the salaries of the secretary and agents of, and for clerical assistance to, the state board of education, a sum not exceeding seventeen thousand and sixty dollars.

Secretary and agents of state board of education, etc.

Incidental and contingent expenses.	For incidental and contingent expenses of the state board of education and of the secretary thereof, a sum not exceeding two thousand dollars.
Travelling expenses, etc.	For travelling and other expenses of the members of the state board of education, and for obtaining information regarding educational methods in other states, a sum not exceeding one thousand dollars.
Annual report.	For printing and binding the annual report of the state board of education, a sum not exceeding three thousand dollars.
Expenses of employees.	For travelling expenses of employees under the direction of the state board of education, a sum not exceeding two thousand dollars.

SUPPORT OF STATE NORMAL SCHOOLS.

Normal schools, Bridgewater.	For the support of the state normal school at Bridgewater, a sum not exceeding forty-eight thousand nine hundred and ninety-one dollars.
Fitchburg.	For the support of the state normal school at Fitchburg, a sum not exceeding thirty thousand eight hundred and ninety dollars.
Framingham.	For the support of the state normal school at Framingham, a sum not exceeding thirty-five thousand one hundred and seventy-eight dollars.
Hyannis.	For the support of the state normal school at Hyannis, a sum not exceeding twenty-two thousand eight hundred and seventy dollars.
Lowell.	For the support of the state normal school at Lowell, a sum not exceeding thirty-one thousand four hundred and seventy-five dollars.
North Adams.	For the support of the state normal school at North Adams, a sum not exceeding thirty-one thousand and fifty-four dollars.
Salem.	For the support of the state normal school at Salem, a sum not exceeding thirty-three thousand two hundred and twenty-five dollars.
Westfield.	For the support of the state normal school at Westfield, a sum not exceeding thirty thousand eight hundred and fifty dollars.
Worcester.	For the support of the state normal school at Worcester, a sum not exceeding twenty-six thousand and forty-five dollars.
State normal art school.	For the support of the state normal art school, a sum

not exceeding thirty-one thousand nine hundred and twenty-six dollars.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the state board of education.

Aid to pupils,
etc.

For the expenses of teachers' institutes, a sum not exceeding two thousand dollars.

Teachers'
institutes.

For the Massachusetts Teachers' Association, the sum of three hundred dollars, subject to the approval of the state board of education.

Massachusetts
Teachers'
Association.

For the expenses of county teachers' associations, a sum not exceeding seven hundred dollars.

County
teachers'
associations.

To enable small towns to provide themselves with school superintendents, a sum not exceeding ninety-five thousand dollars.

School super-
intendents for
small towns.

For the education of deaf pupils of the Commonwealth in the schools designated by law, a sum not exceeding ninety-one thousand dollars.

Education of
deaf pupils.

For school registers and other school blanks for the cities and towns of the Commonwealth, a sum not exceeding twelve hundred dollars.

School blanks.

For the Perkins Institution and Massachusetts School for the Blind, as provided by chapter nineteen of the resolves of the year eighteen hundred and sixty-nine, the sum of thirty thousand dollars.

Perkins In-
stitution and
Massachusetts
School for the
Blind.

For the payment of tuition of children in high schools outside of the town in which they live, in so far as such payment is provided for by section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two, a sum not exceeding fifty-three thousand four hundred and twenty-five dollars. And there may be also paid from this amount such sum as may be necessary to furnish or provide transportation to and from school for such children of school age as may be living upon islands within the Commonwealth which are not provided with schools.

Tuition, etc.,
of certain
children in
high schools.

To provide for the instruction of the adult blind at their homes by the Perkins Institution and Massachusetts School for the Blind, the sum of five thousand dollars.

Instruction of
adult blind.

For expenses in connection with furnishing school committees with rules for testing the sight and hearing of

Rules for test-
ing sight and
hearing of
pupils, etc.

pupils in the schools of the Commonwealth, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

Chap. 53 AN ACT MAKING AN APPROPRIATION FOR THE EXPENSES OF THE DECENNIAL CENSUS.

Be it enacted, etc., as follows:

Appropriation
for expenses of
the decennial
census.

SECTION 1. The sum of thirty-four thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for additional expenses in connection with the completion of the census field work, and for salaries of the clerical force required for tabulations, and for such other expenses as may be necessary, the same to be in addition to any amount heretofore appropriated for these purposes.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

Chap. 54 AN ACT RELATIVE TO THE EXPENSES OF THE BOARD OF GAS AND ELECTRIC LIGHT COMMISSIONERS.

Be it enacted, etc., as follows:

Gas and elec-
tric light com-
missioners,
annual ex-
penses, etc.

SECTION 1. The board of gas and electric light commissioners may expend annually for necessary statistics, books, stationery and contingent expenses, and for clerical assistance, such sum as the general court shall annually appropriate.

Salaries, etc.

SECTION 2. The salary of the inspector of gas meters shall be twenty-five hundred dollars a year; of the first assistant inspector, fifteen hundred dollars a year; of the second assistant inspector, twelve hundred dollars a year; and the board of gas and electric light commissioners may expend annually for the compensation of deputies, and for office rent, travelling and other necessary expenses incident to the duties of said inspectors, such sum as the general court shall annually appropriate.

Repeal.

SECTION 3. Section three of chapter one hundred and twenty-one of the Revised Laws and section six of chapter two hundred and twenty-eight of the acts of the year nineteen hundred and two are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved January 31, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM. *Chap. 55*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For the payment of salaries at the state farm, a sum not exceeding sixty-five thousand dollars.

For other current expenses at the state farm, including the printing of the annual report of said institution, a sum not exceeding one hundred and sixty-nine thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE RAILROAD COMMISSIONERS. *Chap. 56*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Railroad Commissioners' Fund, to provide for the expenses of the railroad commission, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For the salaries of the commissioners, sixteen thousand dollars.

For the salary of the clerk of the commissioners, three thousand dollars.

For the salary of the assistant clerk of the commissioners, eighteen hundred dollars.

For such additional clerical assistance as the commissioners may find necessary for the proper despatch of public business, a sum not exceeding twelve hundred dollars.

For the salary of the accountant of the commissioners, twenty-five hundred dollars.

For the salaries and expenses of the railroad inspectors, a sum not exceeding thirteen thousand five hundred dollars.

For the compensation of experts or other agents of the commissioners, a sum not exceeding six thousand dollars.

For rent, care of office and salary of a messenger for the commissioners, a sum not exceeding six thousand dollars.

Incidental and
contingent
expenses.

For books, maps, statistics, stationery, and for incidental and contingent expenses of the commissioners, a sum not exceeding forty-five hundred dollars.

Stenographers,
etc.

For stenographers and stenographic reports, a sum not exceeding twenty-four hundred dollars.

Annual report.

For printing and binding the annual report of the commissioners, a sum not exceeding fifty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

Chap. 57 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE HARBOR AND LAND COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the harbor and land commissioners, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Harbor and
land commis-
sioners.

For the salaries of the commissioners, eighty-seven hundred dollars.

Engineers, etc.

For the compensation and expenses of engineers, and for clerical and other assistance authorized by the commissioners, a sum not exceeding thirty thousand dollars.

Travelling ex-
penses, etc.

For travelling and other necessary expenses of the commissioners, a sum not exceeding seven hundred and fifty dollars.

Office
expenses.

For incidental and contingent office expenses of the commissioners, to include the printing and binding of their annual report, a sum not exceeding two thousand dollars.

Town bound-
ary atlases.

For printing town boundary atlases, a sum not exceeding four thousand dollars.

Preservation of
harbors, etc.

For surveys of harbors and for improving and preserving the same, and for repairing damages occasioned by storms along the coast line or river banks of the Commonwealth, a sum not exceeding five thousand dollars.

Removal of
wrecks, etc.

For the removal of wrecks and other obstructions from tide waters, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY INSTITUTIONS FOR THE YEAR NINETEEN HUNDRED AND SIX. *Chap. 58*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses in excess of the appropriations therefor in the year nineteen hundred and six, to wit: —

For current expenses at the state farm, the sum of eleven thousand one hundred thirty-two dollars and twenty cents. *State farm.*

For the maintenance of the Massachusetts state sanatorium, the sum of eleven thousand seven hundred forty-one dollars and forty-four cents. *State sanatorium.*

For the maintenance of the Medfield insane asylum, the sum of twenty-nine hundred seventy-six dollars and sixty-one cents. *Medfield insane asylum.*

For the maintenance of the Massachusetts School for the Feeble-Minded, the sum of twelve hundred twenty dollars and forty-two cents. *Massachusetts School for the Feeble-Minded.*

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY. *Chap. 59*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in pharmacy, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For the salaries of the members of the board, twenty-four hundred dollars. *Board of registration in pharmacy.*

For travelling and other expenses of the members of the board, a sum not exceeding seventeen hundred and twenty-five dollars. *Travelling expenses, etc.*

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars. *Agent.*

For a stenographer, witness fees and incidental and contingent expenses of the board, the same to include the print- *Incidental and contingent expenses.*

ing of the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1907.

Chap. 60 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF AGRICULTURE, AND FOR SUNDRY AGRICULTURAL EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Secretary, state board of agriculture.

For the salary of the secretary of the state board of agriculture and executive officer of the state dairy bureau, three thousand dollars.

First clerk.

For the salary of the first clerk of the secretary of the state board of agriculture, eighteen hundred dollars.

Second clerk.

For the salary of the second clerk of the secretary of the state board of agriculture, fourteen hundred dollars.

Travelling expenses of the secretary.

For travelling and other necessary expenses of the secretary of the state board of agriculture, a sum not exceeding five hundred dollars.

Clerical assistance.

For other clerical assistance in the office of the secretary of the state board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding seven hundred dollars.

Annual report.

For printing and binding the annual report of the state board of agriculture, a sum not exceeding fifty-eight hundred dollars.

Incidental and contingent expenses.

For incidental and contingent expenses of the state board of agriculture, to include the printing and furnishing of extracts from trespass laws, a sum not exceeding eleven hundred dollars.

Travelling expenses of the board.

For travelling and other necessary expenses of the members of the state board of agriculture, a sum not exceeding fifteen hundred dollars.

Farmers' institutes.

For disseminating useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding three thousand dollars.

Bounties.

For bounties to agricultural societies, a sum not exceeding eighteen thousand six hundred dollars.

For the salary of a general agent of the dairy bureau, Agent of
fourteen hundred dollars. dairy bureau.

For assistants, experts, chemists, agents and other neces- Experts,
sary expenses of the state dairy bureau, to include the chemists, etc.
printing of the annual report, a sum not exceeding seven
thousand dollars.

For compensation and expenses of state nursery inspect- Nursery
ors, a sum not exceeding one thousand dollars. inspectors.

CATTLE BUREAU.

For the salary of the chief of the cattle bureau, eighteen Chief of cattle
hundred dollars. bureau.

For the salary of the clerk of the chief of the cattle Clerk.
bureau, twelve hundred dollars.

For travelling and other necessary expenses of the chief Expenses.
of the cattle bureau, including extra clerks and stenogra-
phers, stationery, and the printing and binding of the an-
nual report, a sum not exceeding four thousand dollars.

For the compensation of inspectors of animals, a sum Inspectors of
not exceeding seventy-five hundred dollars. animals.

STATE FORESTER.

For the salary of the state forester, two thousand dollars. State forester.

For clerical assistance and incidental and contingent ex- Clerical as-
penses of the state forester, a sum not exceeding five thou- sistance, etc.
sand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1907.

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN AP- *Chap. 61*
PROPRIATIONS FOR SUNDRY EXPENSES AUTHORIZED IN THE
YEAR NINETEEN HUNDRED AND SIX.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are approp- Appropria-
riated, to be paid out of the treasury of the Commonwealth tions.
from the ordinary revenue, for certain expenses in excess
of the appropriations therefor in the year nineteen hun-
dred and six, to wit: —

For contingent expenses in the department of the tax Tax commis-
commissioner, the sum of seven hundred twenty-one dollars sioner.
and seventy-two cents.

Normal school at Salem.	For expenses at the state normal school at Salem, the sum of four hundred seventy-seven dollars and ninety-five cents.
Massachusetts Agricultural College.	For travelling and other expenses of the trustees of the Massachusetts Agricultural College, the sum of ninety-one dollars and ninety-six cents.
Insurance commissioner.	For incidental and contingent expenses in the department of the insurance commissioner, the sum of nine hundred ninety-three dollars and fifty-eight cents.
Antitoxin and vaccine lymph.	For expenses in connection with the production and distribution of antitoxin and vaccine lymph, the sum of seven hundred five dollars and fifty-eight cents.
Insurance commissioner.	For printing the annual report of the insurance commissioner, the sum of one hundred thirty-two dollars and fifty-six cents.
State board of health.	For general expenses of the state board of health, the sum of twenty-three dollars and sixty-two cents.
Board of registration in pharmacy.	For travelling and other expenses of the board of registration in pharmacy, the sum of one hundred ninety-six dollars and forty-one cents.
Land court.	For incidental expenses of the land court, the sum of eleven hundred eighty-three dollars and one cent.
Bank commissioner.	For incidental and contingent expenses of the bank commissioner, the sum of six hundred five dollars and sixty-nine cents.
Civil service commissioners.	For compensation of the civil service commissioners, the sum of six hundred and twenty-five dollars.
Counting apparatus.	For the purchase of apparatus to be used at polling places in the canvass and count of votes, the sum of two hundred and fifty dollars.
Pamphlet edition of acts and resolves.	For printing the pamphlet edition of the acts and resolves of the general court of the year nineteen hundred and six, the sum of eleven hundred ninety-seven dollars and sixty-three cents.
Blue book.	For printing and binding the blue book edition of the acts and resolves of the general court of the year nineteen hundred and six, the sum of sixteen hundred ninety-eight dollars and seventy-three cents.
Secretary's department.	For incidental and contingent expenses in the secretary's department, the sum of three hundred forty-seven dollars and ninety-five cents.
Damage by wild deer.	For damage by wild deer, the sum of one hundred thirteen dollars and fifteen cents.

For the education of deaf pupils, the sum of ninety-one hundred twenty-one dollars and forty-eight cents.

Education of deaf pupils.

To enable small towns to provide themselves with school superintendents, the sum of seventy-eight hundred thirty-one dollars and thirty-seven cents.

School superintendents in small towns.

For the transportation of officers and men of the volunteer militia, the sum of eleven hundred ninety-five dollars and sixty-eight cents.

Transportation of officers of the militia.

For incidental and contingent expenses in the adjutant general's department, the sum of two hundred five dollars and sixty-four cents.

Adjutant general.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE BOARD OF INSANITY. Chap. 62

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state board of insanity, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Appropriations.

For travelling, office and contingent expenses, including the printing and binding of the annual report of the board, a sum not exceeding six thousand dollars.

State board of insanity, expenses.

For salaries of officers and employees, a sum not exceeding twenty-five thousand eight hundred dollars.

Officers and employees.

For transportation and medical examination of state paupers under the charge of the board, for the present year and for previous years, a sum not exceeding eleven thousand five hundred dollars.

Transportation, etc., of state paupers.

For the support of insane paupers boarded out in families, under the charge of the board, or temporarily absent under authority of the same, for the present year and for previous years, a sum not exceeding thirty-seven thousand dollars.

Support of insane paupers.

For the board of insane persons in the Boston insane hospital, for the present year and for previous years, a sum not exceeding one hundred and four thousand dollars.

Board in Boston insane hospital.

For the support of state paupers in The Hospital Cottages for Children, a sum not exceeding six thousand dollars.

Support of certain state paupers.

Support of
feeble-minded
persons, etc.

For expenses in connection with the support of certain feeble-minded persons and children having settlement in certain small towns, for the present year and for previous years, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1907.

Chap. 63 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Chief of district police.

For the salary of the chief of the district police, three thousand dollars.

First clerk.

For the salary of the first clerk in the office of the district police, fifteen hundred dollars.

Second clerk.

For the salary of the second clerk in the office of the district police, one thousand dollars.

Expenses.

For postage, printing, stationery, telephone, telegraph, and incidental and contingent office expenses in the department of the district police, including the printing and binding of the annual report, a sum not exceeding six thousand dollars.

DETECTIVE DEPARTMENT.

Deputy chief of detective department.

For the salary of the deputy chief of the detective department of the district police, twenty-four hundred dollars.

Clerk.

For the salary of the clerk of the detective department of the district police, twelve hundred dollars.

Stenographer.

For the salary of the stenographer in the detective department of the district police, twelve hundred dollars.

Compensation of members.

For the compensation of the members of the detective department of the district police, a sum not exceeding twenty-one thousand three hundred dollars.

Fire inspectors.

For the compensation of the fire inspectors of the detective department of the district police, ten thousand eight hundred dollars.

For travelling expenses of the members of the detective department of the district police, a sum not exceeding twelve thousand dollars. Travelling expenses.

For special services and expenses of persons employed under the direction of the deputy chief of the detective department in the investigation of fires, including witness fees, travel, contingent and incidental expenses, a sum not exceeding one thousand dollars. Special services, etc.

INSPECTION DEPARTMENT.

For the salary of the deputy chief of the inspection department of the district police, twenty-four hundred dollars. Deputy chief of inspection department.

For the salary of the chief inspector of the boiler inspection department of the district police, two thousand dollars. Chief inspector of boilers.

For the salaries of the clerks in the inspection department of the district police, thirty-eight hundred dollars. Clerks.

For the compensation of the members of the inspection department of the district police, a sum not exceeding sixty-one thousand dollars. Compensation of members.

For travelling expenses of the members of the inspection department of the district police, a sum not exceeding seventeen thousand dollars. Travelling expenses.

For the expenses of operating the steamer Lexington which is in charge of the chief of the district police and used in the enforcement of the fishery laws of the Commonwealth, a sum not exceeding nine thousand dollars. Steamer Lexington.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1907.

AN ACT TO AUTHORIZE THE BOYLSTON MARKET ASSOCIATION TO HOLD ADDITIONAL REAL ESTATE.

Chap. 64

Be it enacted, etc., as follows:

SECTION 1. The Boylston Market Association, incorporated by chapter forty-eight of the acts of the year eighteen hundred and eight, is hereby authorized to purchase and hold additional real estate abutting on Lagrange street or on the way known as Boylston square, in the city of Boston, to a value not exceeding three hundred thousand dollars, for the purposes set forth in chapter two hundred and five of the acts of the year eighteen hundred and eighty-seven. The Boylston Market Association may hold additional real estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1907.

Chap. 65 AN ACT MAKING AN APPROPRIATION FOR THE PUBLICATION OF A RECORD OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE WAR OF THE REBELLION.

Be it enacted, etc., as follows:

Appropriation, record of Massachusetts soldiers and sailors, etc.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for expenses in connection with the publication of a record of Massachusetts troops and officers, sailors and marines, in the war of the rebellion, as authorized by chapter four hundred and seventy-five of the acts of the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

Chap. 66 AN ACT TO CHANGE THE NAME OF THE HATCH EXPERIMENT STATION OF THE MASSACHUSETTS AGRICULTURAL COLLEGE TO MASSACHUSETTS AGRICULTURAL EXPERIMENT STATION.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The Hatch experiment station of the Massachusetts Agricultural College, located at the Massachusetts Agricultural College in Amherst, shall hereafter be known as the Massachusetts Agricultural Experiment Station.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

Chap. 67 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE DANVERS INSANE HOSPITAL.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Danvers insane hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Danvers insane hospital.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of fifty-three thousand six hundred seventy-one dollars and seventy-four cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding two hundred

sixteen thousand three hundred twenty-eight dollars and twenty-six cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE
OF THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS. Chap. 68

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Massachusetts hospital for epileptics during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of forty-five thousand three hundred fifty-seven dollars and fifty-six cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding eighty-eight thousand six hundred forty-two dollars and forty-four cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE
OF THE WORCESTER INSANE ASYLUM. Chap. 69

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Worcester insane asylum during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of five thousand two hundred twelve dollars and ninety-five cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred seventy-four thousand seven hundred eighty-seven dollars and five cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

Chap. 70 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Massachusetts School for the Feeble-Minded during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Massachusetts School for the Feeble-Minded.

From the receipts of said school now in the treasury of the Commonwealth, the sum of forty-six thousand seven hundred and fifty-seven dollars, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred seventy-seven thousand seven hundred and forty-three dollars.

City of Waltham.

For the city of Waltham for the annual assessment due from the Commonwealth toward maintaining and operating a system of sewage disposal at the Massachusetts School for the Feeble-Minded, the sum of eight hundred twenty dollars and eighty-nine cents, as provided for in section three of chapter eighty-three of the acts of the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

Chap. 71 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE MEDFIELD INSANE ASYLUM.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Medfield insane asylum during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Medfield insane asylum.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of eleven thousand five hundred ninety-six dollars and sixty-eight cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding two hundred sixty-four thousand eight hundred three dollars and thirty-two cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE NORTHAMPTON STATE HOSPITAL. *Chap. 72*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Northampton state hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Appropriation.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of forty-two thousand seven hundred sixty-eight dollars and ninety-five cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred twelve thousand two hundred thirty-one dollars and five cents.

Northampton state hospital.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE WORCESTER INSANE HOSPITAL. *Chap. 73*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Worcester insane hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Appropriation.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of sixty-five thousand eight hundred forty-seven dollars and two cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred eighty-four thousand one hundred fifty-two dollars and ninety-eight cents.

Worcester insane hospital.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE TAUNTON INSANE HOSPITAL. *Chap. 74*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Taunton insane hospital during the fiscal year ending on the thir-

Appropriation.

tieth day of November, nineteen hundred and seven, to wit: —

Taunton in-
sane hospital.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of thirty-three thousand one hundred sixty-three dollars and twenty-six cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred seventy thousand two hundred thirty-six dollars and seventy-four cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

Chap. 75 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE STATE COLONY FOR THE INSANE.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the state colony for the insane during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

State colony
for the insane.

From the receipts of said colony for the insane now in the treasury of the Commonwealth, the sum of eleven hundred fourteen dollars and thirty-one cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding eighty-three thousand eight hundred eighty-five dollars and sixty-nine cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

Chap. 76 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE WESTBOROUGH INSANE HOSPITAL.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Westborough insane hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Westborough
insane hos-
pital.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of fifty-five thousand three hundred seventy-five dollars and sixty-four cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred

forty-eight thousand four hundred twenty-four dollars and thirty-six cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1907.

AN ACT TO CHANGE THE NAME OF THE AMERICAN LOAN AND TRUST COMPANY TO AMERICAN TRUST COMPANY. Chap. 77

Be it enacted, etc., as follows:

SECTION 1. The name of the American Loan and Trust Company, incorporated by chapter eighty of the acts of the year eighteen hundred and eighty-one, and located in the city of Boston, is hereby changed to American Trust Company. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1907.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE CONTRACTORS MUTUAL LIABILITY INSURANCE COMPANY MAY BEGIN TO ISSUE POLICIES. Chap. 78

Be it enacted, etc., as follows:

The period during which The Contractors Mutual Liability Insurance Company, incorporated by chapter two hundred and thirty-four of the acts of the year nineteen hundred and five, is authorized to begin to issue policies, is hereby extended so that said company may begin to issue policies at any time prior to the first day of February in the year nineteen hundred and eight, subject to the provisions of its act of incorporation. Time in which The Contractors Mutual Liability Insurance Company may begin to issue policies extended.

Approved February 7, 1907.

AN ACT RELATIVE TO MAKING ANNUAL RETURNS BY CITIES AND TOWNS TO THE BUREAU OF STATISTICS OF LABOR. Chap. 79

Be it enacted, etc., as follows:

SECTION 1. The chief of the bureau of statistics of labor may employ in his department two clerks, who shall have charge of the compilation of municipal returns made to the said bureau, one at a salary of two thousand dollars a year, and one at a salary of fifteen hundred dollars a year; and he may expend for necessary blanks, and for travel, incidental, clerical and contingent expenses necessary properly to carry out the act providing for such re- Annual returns by cities and towns to the bureau of statistics of labor.

turns, such sum of money as the general court shall appropriate.

Repeal.

SECTION 2. Section three of chapter two hundred and ninety-six of the acts of the year nineteen hundred and six is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 7, 1907.

Chap. 80 AN ACT TO PROVIDE FOR CERTAIN INCIDENTAL EXPENSES OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Incidental expenses of the superior court.

SECTION 1. There may annually be expended out of the treasury of the Commonwealth not more than four hundred dollars, for printing, for transportation of papers and documents, and for certain other expenses incident to the work of the superior court, to be expended under the direction of the chief justice thereof.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1907.

Chap. 81 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Gas and Electric Light Commissioners' Fund, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Gas and electric light commissioners.

For the salaries of the commissioners, eleven thousand dollars.

Clerical assistance.

For clerical assistance to the commissioners, a sum not exceeding forty-five hundred dollars.

Expenses.

For statistics, books and stationery, and for the necessary expenses of the commissioners, a sum not exceeding twenty-five hundred dollars.

Inspection of electric meters.

For the inspection of electric meters, a sum not exceeding one thousand dollars.

Gas inspector.

For the salary of the gas inspector, twenty-five hundred dollars.

First assistant.

For the salary of the first assistant inspector, fifteen hundred dollars.

For the salary of the second assistant inspector, twelve hundred dollars. Second assistant.

For compensation of deputies, travelling expenses, apparatus, office rent and other incidental expenses, a sum not exceeding seven thousand dollars. Expenses.

For printing and binding the annual report of the commissioners, a sum not exceeding sixteen hundred dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1907.

AN ACT MAKING APPROPRIATIONS FOR PAYMENT OF STATE AND MILITARY AID AND EXPENSES IN CONNECTION THEREWITH. Chap. 82

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:— Appropriations.

For reimbursing cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding eight hundred and fifty-six thousand dollars, the same to be paid on or before the fifteenth day of November in the year nineteen hundred and seven. State and military aid.

For the salary of the commissioner of state aid and pensions, twenty-five hundred dollars. Commissioner of state aid and pensions.

For the salary of the deputy commissioner of state aid and pensions, two thousand dollars. Deputy.

For salaries of the agents of the commissioner of state aid and pensions, forty-two hundred dollars. Agents.

For the salary of the bookkeeper of the commissioner of state aid and pensions, thirteen hundred dollars. Bookkeeper.

For the salaries of additional clerks of the commissioner of state aid and pensions, a sum not exceeding five thousand and eighty dollars. Additional clerks.

For incidental and contingent expenses of the commissioner of state aid and pensions, to include necessary travel, a sum not exceeding eighteen hundred and twenty dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1907.

Chap. 83 AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE COMMISSIONERS OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Massachusetts nautical training school.

For the current expenses of the Massachusetts nautical training school, a sum not exceeding fifty-eight thousand dollars.

Expenses of commissioners.

For the necessary expenses of the commissioners, including the salary of the secretary, clerical services, printing, stationery, and contingent expenses, and for printing and binding the annual report of the commission, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1907.

Chap. 84 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF HEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

State board of health, secretary.

For the salary of the secretary of the state board of health, four thousand dollars.

Expenses.

For the general work of the state board of health, including necessary travelling expenses, a sum not exceeding twenty thousand dollars.

Inspection of milk, etc.

For salaries and expenses in connection with the inspection of milk, food and drugs, a sum not exceeding twelve thousand five hundred dollars.

Examination of sewer outlets.

For expenses in connection with the examination of sewer outlets, a sum not exceeding eleven thousand dollars.

Antitoxin and vaccine lymph.

For expenses in connection with the production and distribution of antitoxin and vaccine lymph, a sum not exceeding fifteen thousand dollars.

For printing and binding the annual report, a sum not exceeding four thousand dollars. Annual report.

For services of engineers, chemists, biologists and other assistants, and for other expenses made necessary in protecting the purity of inland waters, a sum not exceeding thirty-five thousand dollars. Engineers,
chemists, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE FOXBOROUGH STATE HOSPITAL. Chap. 85

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid for the maintenance of the Foxborough state hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: — Appropriation.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of twenty-one thousand four hundred forty-two dollars and seventy-four cents. Foxborough
state hospital.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1907.

AN ACT RELATIVE TO THE ASSISTANT ASSESSORS OF THE CITY OF SPRINGFIELD. Chap. 86

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and twenty-six of the acts of the year eighteen hundred and seventy-three is hereby amended by striking out the words "not exceeding eight", in the twelfth line, so as to read as follows: — 1873, 126, § 2,
amended.

— *Section 2.* The city council of the city of Springfield, shall within two months after the passage of this act, elect by ballot in joint convention, three assessors, one to hold office for three years, one for two years, and one for one year from the first day of April of the year eighteen hundred and seventy-three; and shall thereafter annually, within sixty days after the organization of the council, elect in like manner one assessor to hold office for the term of three years from the first day of April in the year of such election. Said council shall at the same times and in the same manner, elect such number of assistant assessors as said council may from time to time by ordinance prescribe, who shall hold office for the term of one Assistant as-
sessors, city of
Springfield.

year from the first day of April in the year of their election, and shall assist the assessors in doing their duties, in such manner and with such compensation as shall be prescribed by ordinance of the city council.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1907.

Chap. 87 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS ON FISHERIES AND GAME.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Commissioners on fisheries and game.

For the compensation of the commissioners on fisheries and game, a sum not exceeding fifty-six hundred and thirty dollars.

Expenses.

For travelling and other necessary expenses of the commissioners on fisheries and game, including the printing and binding of the annual report, a sum not exceeding twenty-nine hundred and seventy-five dollars.

Clerical services.

For clerical services in the office of the commissioners on fisheries and game, a sum not exceeding eighteen hundred and seventy-five dollars.

Enforcement of laws, etc.

For the enforcement of the laws relating to fisheries and game, and for the propagation and distribution of fish, birds and other animals, running expenses, rent and maintenance of hatcheries, a sum not exceeding thirty-four thousand seven hundred and forty-five dollars.

Stocking great ponds.

For the expense of stocking great ponds with food fish, a sum not exceeding five hundred dollars.

Stocking brooks.

For the expense of stocking brooks with food fish, a sum not exceeding one hundred dollars.

Propagation of oysters.

For the expenses of an investigation as to the propagation of oysters, a sum not exceeding five hundred dollars.

Propagation of quahaugs.

For the expenses of an investigation as to the propagation of quahaugs, a sum not exceeding five hundred dollars.

Propagation of clams.

For the expenses of a survey of an area available for the propagation of clams, a sum not exceeding five hundred dollars.

For the expenses of an investigation as to the feeding and breeding habits of scallops and lobsters, a sum not exceeding fifteen hundred dollars.

Investigation of scallops and lobsters.

For the protection of lobsters with eggs attached, a sum not exceeding four thousand dollars.

Protection of lobsters.

SECTION 2. This act shall take effect upon its passage.

Approved February 7, 1907.

AN ACT TO AUTHORIZE THE RUBBER MANUFACTURERS MUTUAL INSURANCE COMPANY TO DO A GENERAL FIRE INSURANCE BUSINESS.

Chap. 88

Be it enacted, etc., as follows:

SECTION 1. The Rubber Manufacturers Mutual Insurance Company of Boston, Massachusetts, is hereby authorized to issue policies of insurance against loss or damage by fire upon other kinds of property, real and personal, in addition to the class named in the charter of the company.

The Rubber Manufacturers Mutual Insurance Company may do a general fire insurance business.

SECTION 2. This act shall take effect upon its acceptance by a majority of the members of the company present and voting at a meeting of the company legally called.

When to take effect.

Approved February 7, 1907.

AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO OBTAIN A TEMPORARY SUPPLY OF WATER FROM THE TOWN OF NORTH ANDOVER.

Chap 89

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence, for the purpose of obtaining a temporary additional supply of water, may extend its water pipes into the town of North Andover and may connect said pipes with the pipes of the North Andover water works at such point or points as may be approved by the water commissioners of said town. At the expiration of the time named in section two of this act all connection of the pipes of said town and city shall be discontinued.

The city of Lawrence may extend its water pipes into the town of North Andover, etc.

SECTION 2. The town of North Andover, acting by its water commissioners or board of public works, is hereby authorized to take such quantity of water from the great pond in said town, in addition to the quantity which it is now authorized by law to take, as the state board of health may designate, and to supply the same daily to the city of

The town of North Andover may supply water to the city of Lawrence, etc.

Lawrence for a period not exceeding six months from the passage of this act; but nothing herein contained shall require said town to diminish the quantity of water required for its own daily needs or to furnish more to said city than its present pumps and machinery can furnish by reasonable use thereof.

Payment of
damages.

SECTION 3. The city of Lawrence shall pay all damages that may be sustained by any person or corporation by the taking or supplying of water or by extending its pipes and making connections with the pipes of the North Andover water works, or by reason of any other act done by said city or said town under the authority of this act; and such damages shall be assessed and determined in the manner provided by chapter forty-eight of the Revised Laws, and any petition for such damages shall be filed within three years after the supply of water to said city under this act has ceased.

Commissioners
may be ap-
pointed to
determine
amount to be
paid by the
city of Law-
rence, etc.

SECTION 4. The city of Lawrence shall pay to the town of North Andover for the water so obtained a sum which may mutually be agreed upon, or, in case of a disagreement as to the amount to be paid, the superior court for the county of Essex shall, upon petition, appoint one or more commissioners to hear the parties and to report to the court the facts, or the facts with evidence, which report when finally approved by the court shall be binding upon the parties. The compensation of said commissioner or commissioners shall be fixed by the court and paid in the same manner as are the fees of auditors appointed by the court.

SECTION 5. This act shall take effect upon its passage.

Approved February 8, 1907.

Chap. 90 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE CITY OF WORCESTER AND THE TOWN OF GRAFTON.

Be it enacted, etc., as follows:

Boundary line
between
Worcester and
Grafton estab-
lished.

SECTION 1. The following described line shall hereafter be the boundary line between the city of Worcester and the town of Grafton: — Beginning at a granite monument standing at the corner of the city of Worcester and the towns of Grafton and Millbury, in latitude forty-two degrees, fourteen minutes, sixteen and eighty-eight hundredths seconds, and longitude seventy-one degrees, forty-four minutes, two and five hundredths seconds; thence

north twenty-six degrees, twelve minutes east, true bearing, thirteen hundred and forty-four feet to a point in Flints pond, at the corner of the city of Worcester and the towns of Grafton and Shrewsbury, in latitude forty-two degrees, fourteen minutes, twenty-eight and eighty hundredths seconds, and longitude seventy-one degrees, forty-three minutes, fifty-four and sixteen hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1907.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF SHREWSBURY AND WESTBOROUGH. Chap. 91

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Shrewsbury and Westborough:— Beginning at a granite monument standing at the corner of the towns of Northborough, Shrewsbury and Westborough, in latitude forty-two degrees, sixteen minutes, forty-three and seventy-two hundredths seconds, and longitude seventy-one degrees, forty minutes, fourteen and thirteen hundredths seconds; thence south thirty-four degrees, sixteen minutes east, true bearing, fifty-two hundred and sixty-one feet to a granite monument standing on the northwesterly side of a highway, at an angle in the present boundary line; thence south fifty-five degrees, fifty-two minutes west, true bearing, thirty-seven hundred and forty-three feet to a granite monument standing in a wall, at an angle in the present boundary line; thence south thirty-two degrees, five minutes west, true bearing, twenty-nine hundred and sixty-seven feet to a granite monument standing in woodland at the southern end of a wall, at an angle in the present boundary line; thence south thirty-nine degrees, nine minutes east, true bearing, eight hundred and fifty-two feet to a granite monument standing at the corner of the towns of Grafton, Shrewsbury and Westborough, in latitude forty-two degrees, fifteen minutes, eight and sixty-six hundredths seconds, and longitude seventy-one degrees, forty minutes, twenty-nine and seventy-five hundredths seconds.

Boundary line
between
Shrewsbury
and West-
borough es-
tablished.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1907.

Chap. 92 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF CHARLTON AND OXFORD.

Be it enacted, etc., as follows:

Boundary line
between
Charlton and
Oxford estab-
lished.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Charlton and Oxford:— Beginning at a granite monument standing at the corner of the towns of Charlton, Leicester and Oxford, in latitude forty-two degrees, eleven minutes, twenty-seven and twenty-eight hundredths seconds, and longitude seventy-one degrees, fifty-five minutes, two and seventy-eight hundredths seconds; thence south eight degrees, thirty-two minutes east, true bearing, thirty-one thousand nine hundred and sixty-eight feet, passing through a granite monument standing in woodland, at an angle in the present boundary line, to a point six hundred and fifty-four feet beyond said monument; thence south seventy-three degrees, seven minutes west, true bearing, thirty-five hundred and seventeen feet, passing through two granite monuments standing in walls, at angles in the present boundary line, to a point fourteen hundred and fifty-five feet beyond the second monument; thence south eleven degrees, ten minutes east, true bearing, thirty-seven hundred and twenty-nine feet, passing through a granite monument standing two hundred and thirty-three feet distant at the southwest corner of a wall, at an angle in the present boundary line, to a granite monument standing at the corner of the towns of Charlton, Dudley and Oxford, in latitude forty-two degrees, five minutes, twenty-eight and seventy-four hundredths seconds, and longitude seventy-one degrees, fifty-four minutes, thirty-four and ninety-two hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1907.

Chap. 93 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF SHREWSBURY AND GRAFTON.

Be it enacted, etc., as follows:

Boundary line
between
Shrewsbury
and Grafton
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Shrewsbury and Grafton:— Beginning at a granite monument standing at the corner of the towns of Grafton, Shrewsbury

and Westborough, in latitude forty-two degrees, fifteen minutes, eight and sixty-six hundredths seconds, and longitude seventy-one degrees, forty minutes, twenty-nine and seventy-five hundredths seconds; thence south seventy-nine degrees, fifty-five minutes west, true bearing, eighty-three hundred and three feet to a granite monument standing in a wall, at an angle in the present boundary line; thence south fifty-five degrees, thirty-one minutes west, true bearing, two thousand and seventy-four feet to a granite monument standing in a wall on the northerly side of Grafton street, at an angle in the present boundary line; thence south eighty-nine degrees, three minutes west, true bearing, nineteen hundred and two feet to a granite monument standing at a junction of walls on the summit of a hill, at an angle in the present boundary line; thence south sixty-nine degrees, two minutes west, true bearing, thirty-eight hundred and forty-three feet to a point in Flints pond at the corner of the towns of Grafton and Shrewsbury and the city of Worcester, in latitude forty-two degrees, fourteen minutes, twenty-eight and eighty hundredths seconds, and longitude seventy-one degrees, forty-three minutes, fifty-four and sixteen hundredths seconds.

Boundary line
between
Shrewsbury
and Grafton
established.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1907.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE
TOWNS OF GRAFTON AND WESTBOROUGH.

Chap. 94

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Grafton and Westborough: — Beginning at a granite monument standing at the corner of the towns of Grafton, Shrewsbury and Westborough, in latitude forty-two degrees, fifteen minutes, eight and sixty-six hundredths seconds, and longitude seventy-one degrees, forty minutes, twenty-nine and seventy-five hundredths seconds; thence south three degrees, twelve minutes east, true bearing, thirteen hundred and seventy-six feet to a granite monument standing on the northerly side of Nourse street, at an angle in the present boundary line; thence south thirty-one degrees, forty-six minutes east, true bearing, sixteen hundred and sixty-six feet to a granite monument standing in a wall, at an angle in the present boundary line; thence north seventy-eight

Boundary line
between
Grafton and
Westborough
established.

degrees, forty minutes east, true bearing, six thousand and fifty feet to a granite monument standing on the northerly side of a wall about one hundred feet east of Jasper street, at an angle in the present boundary line; thence south nine degrees, six minutes east, true bearing, seventy-eight hundred and seventy-three feet to a granite monument standing at the corner of the towns of Grafton, Upton and Westborough, in latitude forty-two degrees, thirteen minutes, thirty-six and four hundredths seconds, and longitude seventy-one degrees, thirty-eight minutes, forty-one and sixty-five hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1907.

Chap. 95 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF MILLBURY AND OXFORD.

Be it enacted, etc., as follows:

Boundary line
between
Millbury and
Oxford estab-
lished.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Millbury and Oxford:—Beginning at a granite monument standing at the corner of the towns of Auburn, Millbury and Oxford, in latitude forty-two degrees, nine minutes, fifty-one and forty-nine hundredths seconds, and longitude seventy-one degrees, forty-nine minutes, fifty-five and twelve hundredths seconds; thence north sixty-nine degrees, twelve minutes east, true bearing, sixteen hundred and eight feet to a granite slab standing in woodland, at an angle in the present boundary line; thence south three degrees, twenty-five minutes east, true bearing, twenty-one hundred and fifty-four feet to a granite boulder standing in woodland at the northeast corner of a wall, at an angle in the present boundary line; thence south sixty-eight degrees, eighteen minutes west, true bearing, twenty-six hundred and twenty-six feet to a granite monument standing in woodland at a junction of walls, at an angle in the present boundary line; thence south seven degrees, eight minutes east, true bearing, eight hundred and thirty-two feet to a rough boulder standing in woodland at a junction of walls, at an angle in the present boundary line; thence north sixty-seven degrees, fifty-nine minutes east, true bearing, one thousand and sixty-three feet to a rough granite monument standing on the southerly corner of two streets, at a point in the present boundary line; thence south seventy-nine

degrees, forty-nine minutes east, true bearing, fifteen hundred and forty-eight feet to a rough granite monument standing in woodland on the northerly side of a wall, at an angle in the present boundary line; thence south eighteen degrees, thirty-six minutes west, true bearing, four thousand and twenty-five feet to a granite monument standing at the corner of the towns of Millbury, Oxford and Sutton, in latitude forty-two degrees, eight minutes, forty-one and sixty-nine hundredths seconds, and longitude seventy-one degrees, forty-nine minutes, forty-eight and twenty-one hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1907.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF CHARLTON AND SOUTHBRIDGE. *Chap. 96*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Charlton and Southbridge:— Beginning at a granite monument standing at the corner of the towns of Charlton, Southbridge and Sturbridge, in latitude forty-two degrees, six minutes, twenty-four and forty-six hundredths seconds, and longitude seventy-two degrees, two minutes, twenty-nine and twenty-nine hundredths seconds; thence north sixty-eight degrees, fifteen minutes east, true bearing, thirteen hundred and seventy-eight feet to a granite monument standing about forty feet west of a highway, at an angle in the present boundary line; thence south sixty-five degrees east, true bearing, ninety-nine hundred and seventy feet to a granite monument standing at the southwest corner of a wall on the summit of a hill, at an angle in the present boundary line; thence north seventy degrees, thirty-three minutes east, true bearing, thirteen hundred and ninety-eight feet to a granite monument standing in a wooded swamp, at an angle in the present boundary line; thence south eight degrees, fourteen minutes east, true bearing, thirty-eight hundred and ninety-eight feet to a granite monument standing in woodland at a junction of walls, at an angle in the present boundary line; thence north eighty-one degrees, thirty-eight minutes east, true bearing, six hundred and four feet to a granite monument standing in a wall on the easterly side of an old road, at an angle

Boundary line
between
Charlton and
Southbridge
established.

Boundary line
between
Charlton and
Southbridge
established.

in the present boundary line; thence south eleven degrees, forty-one minutes east, true bearing, sixteen hundred and twenty-eight feet to a granite monument standing at the southeast corner of a wall, at an angle in the present boundary line; thence south seventy degrees, forty-four minutes west, true bearing, eleven hundred and twenty-eight feet to a granite monument standing at the northwest corner of a wall on the easterly side of an old road, at an angle in the present boundary line; thence south seven degrees, thirty-nine minutes east, true bearing, seventeen hundred and eighteen feet to a granite monument standing on a hill at a junction of walls, at an angle in the present boundary line; thence north seventy-three degrees, three minutes east, true bearing, nine hundred and twenty-one feet, passing through and sixty-eight feet beyond a granite monument standing at an angle in the present boundary line; thence south two degrees, thirty-six minutes west, true bearing, two thousand and fifty-three feet, passing through a granite monument three hundred and thirty-three feet distant, standing in a wall at an angle in the present boundary line, to a granite monument standing at the corner of the towns of Charlton, Dudley and Southbridge, in latitude forty-two degrees, four minutes, twenty-one and thirty-eight hundredths seconds, and longitude seventy-one degrees, fifty-nine minutes, thirty-five and ninety-one hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1907.

Chap. 97 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF DUDLEY AND SOUTHBIDGE.

Be it enacted, etc., as follows:

Boundary line
between
Dudley and
Southbridge
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Dudley and Southbridge: — Beginning at a granite monument standing at the corner of the towns of Charlton, Dudley and Southbridge, in latitude forty-two degrees, four minutes, twenty-one and thirty-eight hundredths seconds, and longitude seventy-one degrees, fifty-nine minutes, thirty-five and ninety-one hundredths seconds; thence south two degrees, fifty-five minutes west, true bearing, twenty-six hundred and twenty-one feet to a granite monument standing about one hundred and fifty feet northwesterly from the dwelling

occupied by A. Dupuis, at an angle in the present boundary line; thence south nine degrees, fifty-one minutes east, true bearing, about twenty-eight hundred and seven feet to a point in the middle of Quinebaug river, one hundred and ten feet north, nine degrees, fifty-one minutes west, true bearing, from a granite monument standing on the southerly bank of the river; thence southeasterly down the middle of the river about seventeen hundred feet; thence southerly in a straight line, passing through a granite monument standing on the southerly side of the road leading from Quinebaug to Southbridge, to a granite monument standing in woodland, at an angle in the present boundary line, in latitude forty-two degrees, two minutes, forty and sixty-six hundredths seconds, and longitude seventy-one degrees, fifty-nine minutes, twenty-two and twenty-four hundredths seconds; thence south seventeen degrees, sixteen minutes west, true bearing, fifty-one hundred and seventy-six feet to a granite monument, formerly known as "the great monument", standing in a pile of rocks, at an angle in the present boundary line; thence south sixteen degrees east, true bearing, fifteen hundred and fifty feet to the boundary line between the Commonwealth of Massachusetts and the state of Connecticut, at the corner of the towns of Dudley, Southbridge and Woodstock.

Boundary line between Dudley and Southbridge established.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1907.

AN ACT TO INCLUDE THE TOWN OF DANA WITHIN THE JUDICIAL DISTRICT OF THE FIRST DISTRICT COURT OF NORTHERN WORCESTER.

Chap. 98

Be it enacted, etc., as follows:

SECTION 1. The town of Dana is hereby annexed to and made part of the judicial district of the First District Court of Northern Worcester, but this act shall not affect any suit or other proceeding pending at the time of its taking effect.

Town of Dana annexed to judicial district of the First District Court of Northern Worcester.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1907.

Chap. 99 AN ACT RELATIVE TO THE GREAT AMERICAN HERRING GULL
AND THE GREAT BLACK-BACKED GULL.

Be it enacted, etc., as follows:

R. L. 92, § 5,
etc., amended.

Section five of chapter ninety-two of the Revised Laws, as amended by chapter one hundred and sixty-two of the acts of the year nineteen hundred and three, and by chapter four hundred and fourteen of the acts of the year nineteen hundred and five, is hereby further amended by striking out the words "but the provisions of this section shall not apply to the great American herring gull nor to the great black-backed gull between the first day of November and the first day of May following", at the end of said section as amended, so as to read as follows:—

Protection of
shore, marsh
and beach
birds, etc.

Section 5. Whoever takes or kills a plover, snipe, sandpiper, rail or any of the so-called shore, marsh or beach birds between the first day of March and the fifteenth day of July, a Bartramian sandpiper, also called upland plover, before the fifteenth day of July in the year nineteen hundred and ten, a wild or passenger pigeon, a Carolina or mourning dove, a gull or tern at any time, shall be punished by a fine of ten dollars for every bird so taken or killed.

Approved February 14, 1907.

Chap. 100 AN ACT MAKING APPROPRIATIONS FOR THE CARE AND MAINTENANCE OF WELLINGTON BRIDGE BY THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Appropriations,
Wellington bridge.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Metropolitan Parks System, Wellington Bridge Maintenance Fund, for the care and maintenance of Wellington bridge by the metropolitan park commission, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, in accordance with the provisions of chapter four hundred and ninety-one of the acts of the year nineteen hundred and one, to wit:—

Care and
maintenance.

For care and maintenance, including drawtenders, labor, lighting, watering, supplies and miscellaneous expenses, a sum not exceeding forty-four hundred and fifty dollars.

For compensation and expenses of the apportionment commission, as approved by the supreme judicial court, seven hundred forty-two dollars and forty cents.

Apportionment commission.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE CARE AND MAINTENANCE OF BOULEVARDS AND PARKWAYS IN CHARGE OF THE METROPOLITAN PARK COMMISSION.

Chap. 101

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated for the care and maintenance of boulevards and parkways in charge of the metropolitan park commission, during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, one half of the amounts to be paid out of the current revenue and the other half to be assessed upon the metropolitan park district, as authorized by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, to wit:—

Appropriations.

For the salaries of the metropolitan park commissioners, the sum of thirty-four hundred and fifty dollars (one half). For the salaries of the supervisor of construction, stenographers, clerks and messenger, a sum not exceeding seventy-one hundred and thirty-five dollars (one half); and for extra clerical assistance, a sum not exceeding five hundred dollars.

Metropolitan park commissioners, salaries, etc.

For travelling, office expenses and supplies, a sum not exceeding sixty-eight hundred dollars.

Expenses and supplies.

For labor, teaming and keep of horses, a sum not exceeding thirty-eight thousand and fifty dollars.

Labor, etc.

For the police, a sum not exceeding twenty-eight thousand eight hundred dollars.

Police.

For lighting parkways and boulevards, a sum not exceeding twenty-one thousand five hundred and ninety-four dollars.

Lighting parkways, etc.

For the watering of parkways and boulevards or its equivalent, a sum not exceeding sixteen thousand four hundred dollars.

Watering parkways, etc.

For sundry miscellaneous expenses, a sum not exceeding sixty-three hundred dollars.

Expenses.

Extermination
of gypsy, etc.,
moths.

For extermination of the gypsy and brown tail moths, a sum not exceeding thirty-five hundred dollars.

Apportion-
ment commis-
sion.

For compensation and expenses of the apportionment commission, as approved by the supreme judicial court, eight hundred thirty-eight dollars and sixty-seven cents (one half).

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1907.

Chap.102 AN ACT MAKING APPROPRIATIONS FOR THE CARE OF RESERVATIONS UNDER THE CONTROL OF THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Metropolitan Parks Maintenance Fund, for the care of reservations under the control of the metropolitan park commission, during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, as provided by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, to wit: —

Metropolitan
park commis-
sioners,
salaries, etc.

For the salaries of the metropolitan park commissioners, the sum of thirty-four hundred and fifty dollars (one half). For the salaries of the secretary, paymaster and clerks of said commission, a sum not exceeding seventy-one hundred and thirty-five dollars (one half); and for extra clerical assistance, a sum not exceeding five hundred dollars.

Expenses and
supplies.

For travelling, office expenses and supplies, including the printing and binding of the annual report, a sum not exceeding sixty-eight hundred dollars.

Labor, etc.

For labor, teaming and keep of horses, a sum not exceeding eighty-four thousand nine hundred and seventeen dollars.

Police.

For the police under the charge of the metropolitan park commission, a sum not exceeding sixty-three thousand three hundred dollars.

Lighting res-
ervations.

For lighting the reservations, a sum not exceeding eleven thousand one hundred and seventy-one dollars.

Watering road-
ways, etc.

For watering roadways or its equivalent, a sum not exceeding eighty-two hundred dollars.

Expenses and
supplies.

For miscellaneous expenses and supplies, a sum not exceeding sixteen thousand eight hundred dollars.

For exterminating the gypsy and brown tail moths, a sum not exceeding one hundred and fifteen thousand nine hundred dollars.

Exterminating
gypsy, etc.,
moths.

For compensation and expenses of the apportionment commission, as approved by the supreme judicial court, eight hundred thirty-eight dollars and sixty-eight cents (one half).

Apportion-
ment commis-
sion.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1907.

AN ACT TO INCREASE THE AMOUNT WHICH MAY BE EXPENDED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX FOR CONSTRUCTING A NEW BRIDGE OVER THE DANVERS RIVER BETWEEN THE CITIES OF SALEM AND BEVERLY.

Chap.103

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter three hundred and seventy-one of the acts of the year nineteen hundred and three is hereby amended by striking out the words "one hundred thousand", in the tenth line, and inserting in place thereof the words: — one hundred and twenty-five thousand, — so as to read as follows: — *Section 3.* The expense of the laying out and construction of said bridge and approaches shall, in the first instance, be borne by the county of Essex; and the commissioners of said county are hereby authorized and directed to borrow on the credit of said county such sums of money as may be necessary to comply with the provisions of this act. The cost of constructing the said bridge and the approaches thereto, including any sums paid as damages for the taking of land or otherwise, shall not exceed the sum of one hundred and twenty-five thousand dollars; and no money shall be expended until the plans and specifications for the bridge and its approaches have been approved by the board of harbor and land commissioners.

1903, 371, § 3,
amended.

Payment of
expense of
laying out and
construction
of bridge.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1907.

AN ACT RELATIVE TO THE TRUSTEES OF THE AYER HOME.

Chap.104

Be it enacted, etc., as follows:

SECTION 1. The Trustees of the Ayer Home, incorporated by chapter two hundred and seventy-three of the acts of the year eighteen hundred and ninety-eight, shall be

Trustees of the
Ayer Home,
number of,
etc.

seven in number, all men, who shall be chosen by the present trustees. They and their successors shall be chosen, and vacancies in the board of trustees shall be declared and filled, in the manner provided by said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1907.

Chap.105 AN ACT RELATIVE TO THE NORTH CHELMSFORD FIRE DISTRICT.

Be it enacted, etc., as follows:

North Chelmsford Fire District Loan, Act of 1907.

SECTION 1. The North Chelmsford Fire District, for the purposes mentioned in chapter one hundred and nineteen of the acts of the year nineteen hundred and six, as amended by chapter five hundred and twenty-eight of the same year, may issue bonds, notes or certificates of debt signed by the treasurer of the district and countersigned by the chairman of the water commissioners, to be denominated on the face thereof, North Chelmsford Fire District Loan, Act of 1907, to an amount not exceeding eighteen thousand dollars in addition to the amount heretofore authorized to be issued by said district for the same purposes. Such bonds, notes or certificates of debt shall be issued upon the same terms and conditions and with the same powers on the part of said district as are specified in said chapter as amended, except that the annual proportionate payments thereof shall begin in the year nineteen hundred and sixteen.

1906, 119, § 14, amended.

SECTION 2. Section fourteen of said chapter one hundred and nineteen is hereby amended by striking out the word "ten", in the fifth line, and inserting in place thereof the word: — twelve, — so as to read as follows: —

Adoption of by-laws, etc.

Section 14. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified, and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section twelve. Said district may also provide rules and regulations for the management of its water works, not inconsistent with this act or with the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem necessary or proper.

Certain proceedings confirmed.

SECTION 3. All proceedings of the North Chelmsford Fire District at district meetings held prior to the passage of this act, so far as the same are in any way dependent

upon the calling thereof by warrant, are hereby confirmed and made valid to the same extent as if the word "ten", in the fifth line of section fourteen of said chapter one hundred and nineteen had read "twelve", at the time when the same was enacted.

SECTION 4. This act shall take effect upon its passage.

Approved February 14, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE STATE BOARD OF CHARITY, AND FOR SUNDRY CHARITABLE EXPENSES.

Chap. 106

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Appropriations.

STATE BOARD OF CHARITY.

For expenses of the state board of charity, including travelling and other necessary expenses of the members, and salaries and expenses in the board's central office, a sum not exceeding eight thousand dollars.

State board of charity, expenses.

For printing and binding the annual report of the state board of charity, a sum not exceeding nineteen hundred dollars.

Annual report.

For salaries and expenses in the division of state adult poor, a sum not exceeding forty-one thousand five hundred dollars.

Adult poor.

For salaries and expenses in the division of state minor wards, a sum not exceeding fifty thousand dollars.

Minor wards.

For travelling and other necessary expenses of the auxiliary visitors of the state board of charity, a sum not exceeding thirteen hundred dollars.

Auxiliary visitors.

MISCELLANEOUS CHARITABLE.

For transportation of state paupers under charge of the state board of charity, including transportation of prisoners released on probation from the state farm, and travelling and other expenses of probation visitors, for the present year and for previous years, a sum not exceeding fourteen thousand dollars.

Transportation of state paupers.

Indigent and neglected children.

For the care and maintenance of indigent and neglected children and juvenile offenders, for the present year and for previous years, to include expenses in connection with the same, a sum not exceeding two hundred and sixty thousand dollars.

Dangerous diseases.

For expenses in connection with smallpox and other diseases dangerous to the public health, for the present year and for previous years, a sum not exceeding twenty-five thousand dollars.

Tuition of certain children, etc.

For tuition in the public schools in any city or town in the Commonwealth, including transportation to and from such schools, of children boarded out or bound out by the state board of charity, for the present year and for previous years, a sum not exceeding thirty thousand dollars.

Sick state paupers.

For the support of sick state paupers by cities and towns, for the present year and for previous years, the same to include cases of wife settlement, a sum not exceeding sixty-three thousand dollars.

Burial of state paupers.

For the burial of state paupers by cities and towns, for the present year and for previous years, a sum not exceeding seven thousand dollars.

Temporary aid, etc.

For temporary aid rendered by cities and towns to state paupers and shipwrecked seamen, for the present year and for previous years, a sum not exceeding thirty-three thousand dollars.

Unsettled pauper infants.

For the support and transportation of unsettled pauper infants in this Commonwealth, including infants in infant asylums, for the present year and for previous years, a sum not exceeding seventy-two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1907.

Chap. 107 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state industrial school for girls, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Industrial school for girls, salaries.

For the payment of salaries, a sum not exceeding twenty-two thousand eight hundred eighteen dollars and thirty-seven cents.

For other current expenses, a sum not exceeding twenty- Expenses.
eight thousand seven hundred and twenty-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1907.

AN ACT TO AUTHORIZE THE CITY OF WOBURN TO ISSUE ADDI- Chap.108
TIONAL WATER BONDS.

Be it enacted, etc., as follows:

SECTION 1. The city of Woburn, for the purposes men- Woburn Water Scrip.
tioned in section six of chapter three hundred and seven
of the acts of the year eighteen hundred and seventy-one,
may issue from time to time notes, bonds or scrip, signed
by its mayor, treasurer and city auditor, to be denominated
on the face thereof, Woburn Water Scrip, to an amount
not exceeding thirty thousand dollars in addition to the
amounts heretofore authorized by law to be issued by the
town or city of Woburn for the same purposes. Said notes,
bonds or scrip shall be issued upon the same terms and
conditions and with the same powers as are provided in
said act for the issuing of the Woburn water loan by the
town of Woburn.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE CARE AND MAIN- Chap.109
TENANCE OF THE NANTASKET BEACH RESERVATION BY THE
METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appro- Appropriations.
priated, to be paid out of the Metropolitan Parks System,
Nantasket Maintenance Fund, for the care and mainte-
nance of the Nantasket beach reservation by the metropoli-
tan park commission, during the fiscal year ending on the
thirtieth day of November, nineteen hundred and seven,
these amounts to be repaid to the Commonwealth by the
cities and towns in the metropolitan district in accordance
with the provisions of chapter four hundred and sixty-four
of the acts of the year eighteen hundred and ninety-nine,
to wit: —

For the police, a sum not exceeding eleven thousand Nantasket beach police.
eight hundred dollars.

Expenses and
supplies.

For labor, lighting, watering, supplies and miscellaneous expenses, a sum not exceeding ten thousand one hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1907.

Chap.110 AN ACT TO INCLUDE THE TOWN OF WILBRAHAM WITHIN THE JUDICIAL DISTRICT OF THE DISTRICT COURT OF EASTERN HAMPDEN.

Be it enacted, etc., as follows:

Town of Wilbraham annexed to judicial district of the District Court of Eastern Hampden.

SECTION 1. The town of Wilbraham is hereby annexed to and made a part of the judicial district of the District Court of Eastern Hampden, but this act shall not affect any suit or other proceeding pending at the time of its passage.

Repeal.

SECTION 2. So much of chapter one hundred and sixty of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1907.

Chap.111 AN ACT TO PROVIDE FOR THE PRINTING AND DISTRIBUTION OF THE PROCEEDINGS OF THE ANNUAL ENCAMPMENTS OF THE DEPARTMENT OF MASSACHUSETTS, GRAND ARMY OF THE REPUBLIC.

Be it enacted, etc., as follows:

Proceedings of the annual encampment, Grand Army of the Republic.

SECTION 1. The secretary of the Commonwealth shall annually procure a copy of the proceedings of the annual encampment of the department of Massachusetts, Grand Army of the Republic held in that year, with the general orders, special orders, circulars and other papers forming part of the proceedings, and cause the same to be kept as part of the records of the Commonwealth.

Distribution of report.

SECTION 2. The secretary shall annually cause copies of said copy to be printed and bound; and shall cause one printed and bound copy to be sent to each city library, town library, and post of the Grand Army of the Republic in the Commonwealth, and shall cause the other copies to be distributed as the annual report of the secretary of the Commonwealth is distributed.

Approved February 16, 1907.

AN ACT TO INCORPORATE THE ROCK CEMETERY ASSOCIATION. *Chap. 112*

Be it enacted, etc., as follows:

SECTION 1. Charles N. Atwood, Lucius M. Fuller, Abisha T. Clark, John Merrihew, James F. Shurtleff, Deborah Thomas, Emily Cushman, Ephraim Thomas, Edward C. Smith, Sarah T. Thomas, John H. Ryder, John A. Benson, Charles F. Cushman, Herbert L. Cushman, Alfred E. Thomas, Hiram Barrows, Amanda Wood, Sarah A. Gibbs, Hannah E. Sherman and Clement W. Barrows, their associates and successors, are hereby made a corporation by the name of the Rock Cemetery Association, for the purpose of acquiring, holding, maintaining, improving and enlarging for a place of burial of the dead certain land set apart and known as the "Rock Cemetery", situated at Rock, so-called, in the town of Middleborough, Massachusetts. The said corporation shall have all the powers and privileges and shall be subject to all the restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

Rock
Cemetery
Association
incorporated.

SECTION 2. The said corporation is hereby authorized to acquire possession and control of said cemetery, and may purchase from time to time and may acquire by gift, bequest, devise or otherwise, and may hold, so much real and personal property as may be necessary or appropriate for the purposes of said association: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

May acquire
and hold
property, etc.

Proviso.

SECTION 3. Only persons who now are or who hereafter become proprietors of lots in the land included in said cemetery, or which may hereafter be included in said cemetery, whether by deed or otherwise, and who shall sign the by-laws of said corporation, shall be members of the corporation; and whenever any person shall cease to be the proprietor of a lot, or of an interest in a lot, in said cemetery, he shall cease to be a member of the corporation.

Membership of
the corpora-
tion.

SECTION 4. The net proceeds of the sale of lots in the lands of the corporation and all income received from any other source by said corporation, the use of which is not determined by a trust, shall be applied exclusively to the care, maintenance, improvement or embellishment of its cemetery and the structures therein, or to the purchase of additional land for cemetery purposes, and to the payment

Proceeds of
sale of lots, etc.

of current and incidental expenses of the cemetery, and to no other purpose.

Grants, be-
quests, etc.

SECTION 5. Said corporation is authorized to take and hold any grant, gift or bequest of property in trust given or bequeathed for the care; protection, embellishment, improvement or extension of its cemetery, or for the care, embellishment, protection or improvement of any lot therein, or for the care, repair, preservation or removal of any monument, tomb, fence or other structure therein, or for planting a lot or its vicinity with trees or shrubs; and when such gift or bequest is made the said corporation may give to the person making the same or to his representative an obligation binding the corporation to fulfill the terms of the trust.

Officers,
powers and
duties, etc.

SECTION 6. Said corporation may by its by-laws provide for such officers as may be necessary, and define their powers and duties, and may also provide for the care and management of the cemetery and for the sale of lots therein, and for the management of any funds which it may hold, and for any other matters incident to the purposes of the corporation.

SECTION 7. This act shall take effect upon its passage.

Approved February 16, 1907.

Chap. 113 AN ACT MAKING APPROPRIATIONS FOR CERTAIN EXPENSES OF THE TRUSTEES OF THE LYMAN AND INDUSTRIAL SCHOOLS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Lyman and industrial schools, expenses of trustees.

For travelling and other necessary expenses of the trustees of the Lyman and industrial schools, the same to include the printing and binding of their annual report, a sum not exceeding twelve hundred dollars.

Agents.

For salaries and expenses of such agents as the trustees of the Lyman and industrial schools may deem necessary to employ, a sum not exceeding ninety-three hundred dollars.

Boarding out children.

For expenses in connection with boarding out children from the Lyman school for boys, under the authority of

the trustees thereof, a sum not exceeding fifty-five hundred dollars.

For expenses in connection with the care of probationers from the state industrial school, to include boarding out and other expenses of girls on probation, under the authority of the trustees of the Lyman and industrial schools, a sum not exceeding twelve thousand eight hundred dollars.

Care of probationers.

For instruction in the public schools in any city or town of the Commonwealth of children boarded out or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding eight hundred and fifty dollars.

Instruction in public schools.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE LYMAN SCHOOL FOR BOYS. Chap.114

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Lyman school for boys, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Appropriations.

For the payment of salaries, a sum not exceeding thirty-five thousand four hundred and sixty-six dollars.

Lyman school for boys, salaries.

For other current expenses, a sum not exceeding fifty-five thousand dollars.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1907.

AN ACT MAKING APPROPRIATIONS FOR CONTINUING THE PUBLICATION OF THE PROVINCE LAWS. Chap.115

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, for the purpose of completing the preparation and publication of the acts and resolves of the province of Massachusetts Bay, to wit: —

Appropriations.

For the salary of the editor, the sum of two thousand dollars.

Province laws, editor.

For the salary of the chief clerk, fifteen hundred dollars.

Chief clerk.

Clerical
service, etc.

For clerical service and a messenger, a sum not exceeding twenty-six hundred dollars.

Expenses.

For stationery, postage, travelling and other expenses in connection with the preparation and publication of the province laws, a sum not exceeding one hundred and fifty dollars.

Printing
and binding.

For printing and binding such volumes as may be completed, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1907.

Chap.116 AN ACT RELATIVE TO THE INVESTMENTS THAT MAY BE MADE BY THE TRUSTEES OF THE PUNCHARD FREE SCHOOL.

Be it enacted, etc., as follows:

Trustees of
Punchard Free
School, in-
vestments.

SECTION 1. The Trustees of the Punchard Free School, incorporated in the town of Andover, by chapter seven of the acts of the year eighteen hundred and fifty-one, in accordance with the will of Benjamin Hanover Punchard, are hereby authorized to invest the funds of the corporation in such investments as would, at the time of making the same, be lawful investments for savings banks in this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1907.

Chap.117 AN ACT RELATIVE TO THE CARE OF PUBLIC DOCUMENTS BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

Care of public
documents by
cities and
towns.

SECTION 1. Every city and town shall provide a suitable place, to be approved by the commissioner of public records, for the preservation and convenient use of all books, reports and laws received from the Commonwealth; and for every month's neglect so to do shall forfeit ten dollars.

City and town
clerks to have
control, etc.

SECTION 2. Said books, reports and laws shall be in the custody or control of the city or town clerk, unless the city council or selectmen shall, by vote, designate some other officer or person.

Repeal.

SECTION 3. Section twenty-seven of chapter twenty-five of the Revised Laws is hereby repealed.

Approved February 16, 1907.

AN ACT RELATIVE TO THE PROTECTION OF LOONS AND EAGLES. *Chap.118*

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful to hunt, capture, wound Protection of loons and eagles. or kill a loon in or upon fresh water, or an eagle in any place.

SECTION 2. Whoever violates any provision of this act Penalty. shall be punished by a fine of twenty dollars.

Approved February 16, 1907.

AN ACT TO INCORPORATE THE CHASE AND LAUBHAM CORPORATION. *Chap.119*

Be it enacted, etc., as follows:

SECTION 1. Charles C. Chase, Clarence A. Laubham and George W. Chase, their associates and successors, are hereby made a corporation by the name of Chase and Laubham Corporation, for the purpose of acquiring, holding, managing, improving and leasing the real estate in the city of Haverhill, on Washington square, known as the Chase and Laubham property, bounded northerly by Little river, easterly by said Little river and by land of the estate of Mehitable D. Brickett; southerly by Washington square; southwesterly by Essex street and westerly by land of Warren Emerson; together with the rights, interests and easements appurtenant thereto, and subject to any easements therein, and of performing all legal acts which may be necessary for accomplishing such purpose; with the powers and privileges and subject to the duties, liabilities and conditions set forth in all general laws now or hereafter in force applicable to such corporations. Chase and Laubham Corporation incorporated.

SECTION 2. Said corporation may sell or mortgage the whole or any part of the real estate which it is authorized by this act to hold. May sell or mortgage its real estate.

SECTION 3. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars. The shares shall be of the par value of one hundred dollars each, and no share shall be issued except for cash actually paid in or property actually conveyed; and the value of such property shall be determined by the commissioner of corporations. Capital stock.

SECTION 4. This act shall take effect upon its passage.

Approved February 16, 1907.

Chap.120 AN ACT TO INCORPORATE THE D. D. AND A. W. CHASE CORPORATION.

Be it enacted, etc., as follows:

D. D. and
A. W. Chase
Corporation
incorporated.

SECTION 1. Charles C. Chase, Alice H. Chase and George W. Chase, their associates and successors, are hereby made a corporation by the name of D. D. and A. W. Chase Corporation, for the purpose of acquiring, holding, managing, improving and leasing two parcels of real estate in the city of Haverhill, lately belonging to David D. Chase and A. Washington Chase, bounded as follows:—The first parcel is bounded northeasterly by Autumn street; easterly by land of the Boston and Maine Railroad; southeasterly by land of Andrew J. Tilton; southwesterly by Washington avenue, by land of Vladimir N. Sikorsky and by land of the Meadowcroft estate; and northwesterly by Arch street; the second parcel is bounded northerly by a private way and by land of Levi L. H. Taylor; easterly by land of Mary J. Chase estate; southerly by the Merrimack river and easterly by the “City Landing”, so-called; together with the rights, interests and easements appurtenant thereto, and subject to any easements therein, and of performing all legal acts which may be necessary for accomplishing such purpose; with the powers and privileges and subject to the duties, liabilities and conditions set forth in all general laws now or hereafter in force applicable to such corporations.

May sell or
mortgage its
real estate.

SECTION 2. Said corporation may sell or mortgage the whole or any part of the real estate which it is authorized by this act to hold.

Capital stock.

SECTION 3. The capital stock of said corporation shall not exceed seventy thousand dollars. The shares shall be of the par value of one hundred dollars each, and no share shall be issued except for cash actually paid in or property actually conveyed; and the value of such property shall be determined by the commissioner of corporations.

SECTION 4. This act shall take effect upon its passage.

Approved February 16, 1907.

AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO ISSUE BONDS PAYABLE TO THE TECHNICAL EDUCATION FUND. *Chap.121*

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general is hereby authorized to issue on account of the amount already authorized for prisons and hospitals, bonds to the amount of two hundred and nineteen thousand dollars, bearing date January first, nineteen hundred and seven, and payable to the Technical Education Fund, United States Grant, after one year from their date, at the option of the treasurer and receiver general with the approval of the governor and council, with interest at the rate of five per cent per annum, this rate of interest being in compliance with an implied agreement between the Commonwealth and the United States mentioned in chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty-three.

Issue of bonds payable to the Technical Education Fund, United States Grant.

SECTION 2. Chapter one hundred and nine of the acts of the year nineteen hundred and three is hereby repealed. *Repeal.*

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE HOSPITAL. *Chap.122*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state hospital, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Appropriations.

For the payment of salaries and wages, a sum not exceeding sixty-eight thousand dollars.

State hospital, salaries, etc.

For other current expenses, including the printing and binding of the annual report, a sum not exceeding one hundred and eighty-two thousand dollars.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1907.

Chap.123 AN ACT MAKING AN APPROPRIATION FOR EXTERMINATING DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS.

Be it enacted, etc., as follows:

Extermination
of contagious
diseases among
horses, etc.

SECTION 1. The sum of seventy thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the extermination of contagious diseases among horses, cattle and other animals, during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1907.

Chap.124 AN ACT TO AUTHORIZE THE GREENFIELD GAS LIGHT COMPANY TO DO BUSINESS IN THE TOWN OF MONTAGUE.

Be it enacted, etc., as follows:

The Greenfield
Gas Light
Company may
do business in
Montague.

SECTION 1. The Greenfield Gas Light Company is hereby authorized, upon the consent of the selectmen of the town of Montague and of the board of gas and electric light commissioners, to carry on the business of furnishing gas for heat, light and power in the town of Montague, with the rights, powers and privileges and subject to the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1907.

Chap.125 AN ACT RELATIVE TO THE CROMPTON AND KNOWLES LOOM WORKS.

Be it enacted, etc., as follows:

1900, 51,
amended.

Capital stock,
etc.

SECTION 1. Chapter fifty-one of the acts of the year nineteen hundred is hereby amended by inserting after section six the following new section: — *Section 7.* The corporation may create classes of stock, increase or reduce its capital stock, or change its classes of stock in accordance with the provisions of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three and acts in amendment thereof, except that nothing herein shall authorize the issue or change of stock in a way to

give any stock preference over the preferred stock issued under the provisions of said chapter fifty-one.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1907.

AN ACT TO AUTHORIZE THE TAUNTON GAS LIGHT COMPANY TO DO BUSINESS IN THE TOWNS OF RAYNHAM AND DIGHTON.

Chap.126

Be it enacted, etc., as follows:

SECTION 1. The Taunton Gas Light Company is hereby authorized, upon the approval of the selectmen of the towns of Raynham and Dighton, respectively, and of the board of gas and electric light commissioners, to carry on the business of furnishing gas for heat, light and power in said towns, or in either of them, with the rights, powers and privileges and subject to the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to such corporations.

The Taunton Gas Light Company may do business in Raynham and Dighton.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1907.

AN ACT TO AUTHORIZE THE FALL RIVER GAS WORKS COMPANY TO DO BUSINESS IN THE TOWN OF SOMERSET.

Chap.127

Be it enacted, etc., as follows:

SECTION 1. The Fall River Gas Works Company is hereby authorized to carry on the business of furnishing gas for heat, light and power in the town of Somerset: *provided*, that it shall first obtain the consent thereto of the selectmen of the town of Somerset, and of the board of gas and electric light commissioners. For the above purposes the said company shall have the rights, powers and privileges and shall be subject to the duties and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

The Fall River Gas Works Company may do business in Somerset.
Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1907.

Chap. 128 AN ACT RELATIVE TO THE SALARIES OF THE JUSTICES AND CLERKS OF THE DISTRICT COURTS OF FRANKLIN, EASTERN HAMPSHIRE AND EASTERN FRANKLIN.

Be it enacted, etc., as follows:

1904, 453, § 1,
Class F, etc.,
amended.

SECTION 1. Class F of section one of chapter four hundred and fifty-three of the acts of the year nineteen hundred and four, as amended by section two of chapter three hundred and twenty-five of the acts of the year nineteen hundred and six, is hereby further amended by striking out the word "and", in the eleventh line, and by inserting after the word "Plymouth", in the same line, the words:— and the district court of Franklin,— so as to read as follows:— Class F. Courts whose judicial districts have a population of from thirty thousand to fifty thousand, to wit, the district court of Hampshire, the police court of Holyoke, the district court of first Bristol, the central district court of northern Essex, the municipal court of the Charlestown district, the district court of northern Norfolk, the municipal court of the West Roxbury district, the second district court of eastern Middlesex, the fourth district court of eastern Middlesex, the police court of Newton, the district court of eastern Essex, the police court of Fitchburg, the second district court of Plymouth and the district court of Franklin; salaries:— Justice, two thousand dollars; clerk, twelve hundred dollars.

Class F.

1904, 453, § 1,
Class H, etc.,
amended.

SECTION 2. Class H of said section one, as amended by chapter four hundred and forty-three of the acts of the year nineteen hundred and five, is hereby further amended by striking out the word "and", in the seventeenth line, and by inserting after the word "Lee", in the eighteenth line, the words:— and the district court of eastern Hampshire,— so as to read as follows:— Class H. Courts whose judicial districts have a population of from ten thousand to twenty thousand, to wit, the municipal court of Brookline, the municipal court of the Brighton district, the police court of Chicopee, the district court of central Middlesex, the second district court of southern Worcester, the district court of western Hampden, the police court of Newburyport, the third district court of Plymouth, the first district court of northern Middlesex, the third district court of southern Worcester, the second district court of Barn-

Class H.

stable, the first district court of eastern Worcester, the fourth district court of Plymouth, the district court of southern Norfolk, the police court of Marlborough, the fourth district court of Berkshire, the district court of eastern Hampden, the first district court of Barnstable, the second district court of Essex, the district court of southern Berkshire, the police court of Lee and the district court of eastern Hampshire; salaries: — Justice, twelve hundred dollars; clerk, seven hundred and twenty dollars.

SECTION 3. Class I of section one of said chapter four hundred and fifty-three, as amended by section two of chapter four hundred and forty-three of the acts of the year nineteen hundred and five, is hereby further amended by inserting after the word "Williamstown", in the fourth line of said section, the words: — and the district court of eastern Franklin, — so as to read as follows: — Class I. Courts whose judicial districts have a population of ten thousand or less, except the district court of Dukes County, to wit, the police court of Williamstown and the district court of eastern Franklin; salaries: — Justice, nine hundred dollars; clerk, five hundred and forty dollars.

1904, 453, § 1,
Class I, etc.,
amended.

Class I.

SECTION 4. Section two of said chapter four hundred and fifty-three of the acts of the year nineteen hundred and four and all acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage, but the salaries of the justices and clerks aforesaid, as hereby established, shall be so allowed and paid from the first day of January in the current year.

Salaries estab-
lished to com-
mence on the
first day of
January, 1907.

Approved February 18, 1907.

AN ACT TO PROVIDE FOR THE DELIVERY OF PROPERTY BY ADMINISTRATORS, EXECUTORS, GUARDIANS AND TRUSTEES WHEN REMOVED FROM THEIR TRUST.

Chap. 129

Be it enacted, etc., as follows:

SECTION 1. Section thirty-eight of chapter one hundred and sixty-two of the Revised Laws is hereby amended by inserting after the word "trust", in the second line, the words: — or is removed therefrom, — so as to read as follows: — *Section 38.* If an executor, administrator, guardian or trustee resigns his trust, or is removed therefrom, and neglects or refuses to deliver to his successor all the property held by him under his trust, the probate court

R. L. 162, § 38,
amended.

Enforcement
of delivery of
property by
executors, etc.,
who cease to
hold office.

may, upon the application of such successor or of any person beneficially interested, order such delivery to be made, and shall have like powers for enforcing such order as are given to it by the provisions of section thirty-three.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1907.

Chap.130 AN ACT RELATIVE TO THE APPOINTMENT OF EXECUTORS.

Be it enacted, etc., as follows:

R. L. 136, § 4,
amended.

The probate
court to issue
letters testa-
mentary, or of
administra-
tion.

SECTION 1. Section four of chapter one hundred and thirty-six of the Revised Laws is hereby amended by inserting after the word "competent", in the third line, the words:— and a suitable person,— so as to read as follows:— *Section 4.* If a will has been duly proved and allowed, the probate court shall issue letters testamentary thereon to the executor named therein, if he is legally competent and a suitable person and accepts the trust and gives bond to discharge the same; otherwise said court shall grant letters of administration on the estate as provided in the following chapter.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1907.

Chap.131 AN ACT TO AUTHORIZE THE TOWN OF BEDFORD TO SUPPLY ITSELF WITH WATER.

Be it enacted, etc., as follows:

Town of Bed-
ford may sup-
ply itself with
water, etc.

SECTION 1. The town of Bedford may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

May purchase
and hold water
rights, etc.

SECTION 2. Said town may obtain its water supply by means of driven, artesian or other wells, or may take by purchase or otherwise and hold the water of any pond, stream or spring, or artesian or driven well, within the limits of the town, and the water rights connected with any such water sources, and also all lands, rights of way and easements necessary for holding and preserving the water and for conveying the same to any part of said town: *provided*, that no source of water supply for domestic purposes and no lands necessary for preserving the quality of

Proviso.

such water shall be taken without first obtaining the advice and approval of the state board of health. Said town may also erect on the land taken or held as aforesaid, proper dams, buildings, reservoirs, standpipes, tanks and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay conduits, pipes and other works under or on any lands, water courses, railroads, railways or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

Town may erect dams, buildings, etc.

SECTION 3. Said town shall, within ninety days after the taking of any land, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, cause to be recorded in the registry of deeds for the county and district within which such land or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by the water commissioners hereinafter provided for.

Description of lands, etc., to be recorded.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of two years, and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Damages.

Town of Bedford Water Loan.

SECTION 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding sixty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Bedford Water Loan, and shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof.

Proviso.

Payment of loan.

SECTION 6. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

Payment of expense of operating, etc.

SECTION 7. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act.

Penalty for corruption of water, etc.

SECTION 8. Whoever uses any water taken under this act without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any water taken or held by said town under this act, or destroys or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the said wil-

ful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

SECTION 9. Said town shall after its acceptance of this act, at a town meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at every annual town meeting thereafter one water commissioner shall be elected by ballot for a term of three years. All the authority granted to said town by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the town at any town meeting called for the purpose.

Water commissioners, election terms, etc.

Filling of vacancy.

SECTION 10. This act shall take effect upon its acceptance by a majority of the voters of the town of Bedford present and voting thereon by ballot at a legal town meeting called for the purpose within three years after its passage, but the number of meetings so called in any one year shall not exceed two. So far as it relates to acceptance by the town this act shall take effect upon its passage.

When to take effect.

Approved February 19, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR SUNDRY MILITARY EXPENSES.

Chap. 132

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Appropriations.

For the salary of the adjutant general, thirty-six hundred dollars.

Adjutant general.

For the salaries of the five clerks in the adjutant general's department, eighty-two hundred dollars.

Clerks.

Messenger.	For the salary of the messenger in the adjutant general's department, eight hundred dollars.
Clerical assistance.	For such additional clerical assistance as the adjutant general may find necessary, and for the compensation of employees at the state arsenal, a sum not exceeding eighty-three hundred dollars.
Expenses.	For incidental and contingent office expenses in the adjutant general's department, including the printing and binding of the annual report, a sum not exceeding five thousand dollars.
Quartermasters' supplies.	For quartermasters' supplies, a sum not exceeding twelve thousand dollars.
Expenses.	For incidental and contingent expenses of the quartermaster general's department, a sum not exceeding six thousand dollars.
Military accounts.	For expenses in connection with military accounts not otherwise provided for, a sum not exceeding four thousand dollars.
Care of camp ground.	For grading and care of the camp ground and buildings of the Commonwealth at Framingham, a sum not exceeding four thousand dollars.
Compensation of officers and men.	For the compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and sixty thousand dollars.
Transportation.	For the transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding twenty thousand dollars.
Rifle practice.	For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding twenty-five thousand dollars.
Purchase of uniforms.	For an allowance to commissioned officers of the militia toward the purchase of uniforms, a sum not exceeding seventeen thousand dollars.
Care of property, etc.	For allowance to officers of the militia for the care and responsibility of property, a sum not exceeding fifty-four hundred and fifty dollars.
Allowance for clothing.	For allowance for and repair of clothing of the volunteer militia, a sum not exceeding twelve thousand dollars.
Rent of armories, first class.	For rental of armories of the first class, a sum not exceeding thirty-five thousand eight hundred dollars.
Maintenance of armories, first class.	For maintenance of armories of the first class, a sum not exceeding sixty thousand dollars.

For salaries of armorers of armories of the first class, a sum not exceeding twenty thousand dollars.	Salaries of armorers.
For rental and maintenance of armories of the second class, a sum not exceeding twenty thousand dollars.	Rent of armories, second class.
For rental and maintenance of armories of the third class, a sum not exceeding ten thousand dollars.	Rent of armories, third class.
For allowance to headquarters and companies, a sum not exceeding thirty-seven hundred and seventy dollars.	Headquarters, etc.
For services of company armorers, a sum not exceeding twelve thousand dollars.	Company armorers.
For furnishing, repair and care of any United States ship loaned to the Commonwealth of Massachusetts for the use of the naval militia, a sum not exceeding three thousand dollars.	Care of ship used by the naval militia.
For giving instruction in riding to non-commissioned officers and others who are required by law to be mounted, a sum not exceeding thirty-nine hundred and twenty dollars.	Instruction in riding.
For furnishing the officers and men of the organized militia with uniform instruction in military authority, organization and administration, and in the elements of military art, a sum not exceeding twenty-five hundred dollars.	Instruction in military authority, etc.
For the salary of the surgeon general, twelve hundred dollars.	Surgeon general.
For medical supplies for the use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, including clerical services and the printing of the annual report, a sum not exceeding twenty-four hundred dollars.	Medical supplies, etc.
For expenses in connection with the examination of recruits for the militia, a sum not exceeding twenty-six hundred dollars.	Examination of recruits.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1907.

AN ACT TO ESTABLISH THE SALARY OF THE MESSENGER OF THE JUSTICES OF THE SUPREME JUDICIAL COURT IN THE COUNTY OF SUFFOLK.

Chap. 133

Be it enacted, etc., as follows:

SECTION 1. The messenger of the justices of the supreme judicial court in the county of Suffolk shall receive

Salary of messenger of the justices of

the supreme
judicial court.

in full for all services performed by him an annual salary of two thousand dollars, of which sum sixteen hundred dollars shall be paid by the said county and four hundred dollars by the Commonwealth.

Repeal.

SECTION 2. So much of section sixty-nine of chapter one hundred and sixty-five of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 20, 1907.

Chap.134 AN ACT TO AUTHORIZE THE TOWN OF UXBRIDGE TO ELECT A BOARD OF WATER COMMISSIONERS.

Be it enacted, etc., as follows:

The town of
Uxbridge may
elect a board of
water com-
missioners.

SECTION 1. The town of Uxbridge at a legal meeting called for the purpose shall elect by ballot, in the manner in which other officers are elected by ballot therein, three persons, legal voters of said town, to be a board of water commissioners, and to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for a term of three years. All powers now vested in said town relating to the management, control and operation of the water system now owned by the town, shall be vested in said board of water commissioners, subject however to such instructions, rules and regulations as the town may from time to time impose by its vote.

When to take
effect.

SECTION 2. This act shall take effect upon its acceptance by a majority vote of the voters of the town present and voting thereon at any legal town meeting called for the purpose.

Approved February 20, 1907.

Chap.135 AN ACT RELATIVE TO THE EXPENSES IN CONNECTION WITH THE MAINTENANCE OF FREE EMPLOYMENT OFFICES IN CERTAIN CITIES.

Be it enacted, etc., as follows:

Maintenance of
free employ-
ment offices in
certain cities.

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth, upon the approval of the chief of the bureau of statistics of labor, for salaries and for contingent expenses in connection with the establishment and maintenance of free employment offices in certain

cities in this Commonwealth, as provided by chapter four hundred and thirty-five of the acts of the year nineteen hundred and six, a sum not exceeding twenty-five thousand dollars. The annual salary of the superintendents and clerks shall be fixed by the chief of said bureau, subject to the approval of the governor and council. The furniture and fixtures of the said employment offices shall be provided for by the sergeant-at-arms, in the manner and under the restrictions specified in section four of chapter ten of the Revised Laws for buildings or parts of buildings leased to the Commonwealth in the city of Boston.

SECTION 2. Section eight of chapter four hundred and thirty-five of the acts of the year nineteen hundred and six is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved February 21, 1907.

AN ACT RELATIVE TO THE CONSTRUCTION OF A SYSTEM OF SEWERAGE BY THE TOWN OF NORWOOD.

Chap. 136

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter three hundred and eleven of the acts of the year nineteen hundred and one is hereby amended by inserting after the word "cost", in the fifth line, the word: — Of, — by inserting after the word "systems", in the sixth line, the words: — one half, — by inserting after the word "thereby", in the eighth line, the words: — and one half shall be paid by just and equitable annual charges or rents for the use of said system or systems assessed upon the persons who enter their particular sewers therein, — by inserting after the word "town", in the thirteenth line, the words: — or paid by annual charges or rents, — and by adding at the end of said section the words: — Said annual charges or rents shall be determined by said board of sewer commissioners and collected semi-annually, and shall constitute a lien upon the real estate using the sewer, to be collected in the same manner as taxes upon real estate or in an action of contract in the name of the town, — so as to read as follows: — *Section 6.* The town of Norwood shall by vote determine what proportion of the cost of said system or systems of sewerage and sewage disposal said town shall pay: *provided*, that it shall not pay less than one third nor more than one half of the whole cost. Of the remaining cost of said systems, one

1901, 311, § 6,
amended.

Apportion-
ment of cost of
sewerage sys-
tem of the
town of
Norwood.
Provido.

half shall be borne by the owners of estates situated within the territory embraced by them and benefited thereby, and one half shall be paid by just and equitable annual charges or rents for the use of said system or systems assessed upon the persons who enter their particular sewers therein; but no estate shall be deemed to be benefited until a sewer is constructed into which it can be drained. The owners of such estates shall be assessed by said commissioners their proportional parts respectively of such portion of the total cost of said systems as is not borne by the town or paid by annual charges or rents as above provided. Such proportional parts shall be based upon the estimated average cost of all the sewers composing said systems, and shall be assessed by a fixed uniform rate according to the frontage of such estate on any street or way in which a sewer is constructed, or according to the area of such estate within a fixed depth from such street or way, or according to both frontage and area; and every such owner shall, within three months after written notice of such assessment, served on him or on the occupants of his estate, or sent by mail to the last address of said owner known to said commissioners, pay the sum so assessed to the collector of taxes of said town; *provided*, that said board shall on the written request of any such owner, made within said three months, apportion such assessment into such number of equal parts or instalments, not exceeding ten, as the owner shall indicate in such request; and said board shall certify such apportionment to the assessors of the town, and one of said parts or instalments, with interest from the date of the apportionment at the rate of six per cent per annum, shall be added by the assessors to the annual tax on such estates for each year next ensuing, until all said parts have so been added, unless sooner paid as hereinafter provided, and *provided, further*, that nothing herein contained shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any balance of said assessments then remaining unpaid, but interest on such balance at the rate of six per cent per annum shall be paid to the date of such payment; and thereupon the collector of taxes of said town shall receive the same and shall certify such payment or payments to the assessors, who shall preserve a record thereof. In cases of corner lots and lots abutting on more than one sewered street the same

Provisos.

area shall not be assessed more than once. Said annual charges or rents shall be determined by said board of sewer commissioners and collected semi-annually, and shall constitute a lien upon the real estate using the sewer, to be collected in the same manner as taxes upon real estate or in an action of contract in the name of the town.

SECTION 2. Section eleven of said chapter is hereby amended by inserting after the word "from", in the first line, the words: — annual charges or rents and from, — and by inserting after the words "and from", in the thirteenth line, the words: — said charges or rents and, — so as to read as follows: — *Section 11.* The receipts from annual charges or rents and from assessments and payments made in lieu thereof under this act, after deducting all charges and expenses for and incident to the maintenance and operation of said systems of sewerage, shall be applied first to the payment of the interest upon the bonds, notes or scrip issued under authority of this act, not otherwise provided for, and the balance shall be set apart for the payment or redemption of such bonds, notes or scrip, or for the payment of the further extension of the system or systems of sewerage herein authorized to be constructed by said town, as the said town shall vote, and shall be used for no other purpose. If the receipts from said assessments and from said charges or rents and payments made in lieu thereof in any year, not appropriated for the construction and maintenance of sewers as aforesaid, shall be insufficient to pay the interest on said bonds, notes or scrip, and the principal as it falls due, then in such case the town shall raise forthwith by taxation, in the same manner as money is raised and appropriated for other town purposes, such sum as will meet the said requirements.

1901, 311, § 11,
amended.

Payment of
loan.

SECTION 3. This act shall take effect upon its passage, but no expenditure shall be made nor any liability incurred thereunder unless this act shall first be accepted by vote of a majority of the voters of said town voting thereon at a legal meeting called for the purpose.

When to take
effect.

Approved February 21, 1907.

Chap.137 AN ACT TO DEFINE MORE CLEARLY THE JURISDICTION OF THE
BOSTON JUVENILE COURT.

Be it enacted, etc., as follows:

Jurisdiction of
the Boston
juvenile court.

SECTION 1. Nothing contained in chapter four hundred and eighty-nine of the acts of the year nineteen hundred and six, being "An Act to establish a juvenile court", shall be construed to transfer from or prevent vesting in any court or justices except the municipal court of the city of Boston and the justices thereof, any jurisdiction, authority or powers whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1907.

Chap.138 AN ACT RELATIVE TO THE CREMATION OF BODIES OF DE-
CEASED PERSONS.

Be it enacted, etc., as follows:

R. L. 78, § 37,
amended.

Cremation
regulated.

SECTION 1. Chapter seventy-eight of the Revised Laws is hereby amended by striking out section thirty-seven and inserting in place thereof the following:— *Section 37.* The body of a deceased person shall not be cremated within forty-eight hours after his decease unless death was caused by a contagious or infectious disease, and, if the death occurred within the Commonwealth, the body shall not be received or cremated by any corporation authorized to cremate the bodies of the dead until its officers have received the certificate or burial permit required by law before burial, and a certificate from a medical examiner that he has viewed the body and made personal inquiry into the cause and manner of death, and is of opinion that no further examination or judicial inquiry concerning the same is necessary. If the death occurs without the Commonwealth, the reception and cremation of the body of a deceased person shall be governed by a by-law or regulation made or approved by the state board of health as is provided by section nine of this chapter.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1907.

AN ACT RELATIVE TO THE POWERS AND DUTIES OF THE Chap. 139
AUDITOR OF ACCOUNTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter six of the Revised Laws is hereby amended by striking out section twenty-one and inserting in place thereof the following: — *Section 21.* He shall annually examine the books, accounts and vouchers of the treasurer and receiver general. He shall at least once in each year, and oftener in his discretion, audit the accounts of all state officials, boards and institutions receiving moneys to be turned into the treasury of the Commonwealth, which accounts shall be kept in such form and manner as he shall prescribe. His own books and accounts shall be subject at any time to such examination as the governor and council or the general court may order. He shall comply with any regulations relative to the duties of his office which may be made in writing by the governor and council and which are not inconsistent with the provisions of this chapter.

R. L. 6, § 21,
amended.

Powers and
duties of the
auditor of
accounts.

SECTION 2. Said chapter six is hereby further amended by striking out section fourteen and inserting in place thereof the following: — *Section 14.* He shall receive an annual salary of thirty-five hundred dollars. He may employ in his office a first clerk at a salary of twenty-five hundred dollars a year, a second clerk at a salary of twenty-two hundred dollars a year, additional clerks, examiners, stenographers and such additional clerical assistance as may be necessary, at an expense not exceeding fourteen thousand dollars a year, and a messenger at a salary of not more than nine hundred dollars a year. If by reason of sickness, absence or other cause the auditor is temporarily unable to perform the duties of his office, the first clerk in his office shall act as his deputy and perform the duties of the auditor until such disability ceases.

R. L. 6, § 14,
amended.

Auditor's
salary; clerks
and their
salaries.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved February 21, 1907.

Chap.140 AN ACT RELATIVE TO THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

R. L. 76, § 16,
amended.

Hearing on
applications
for sixth class
licenses by
registered
pharmacists.

Section sixteen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "of", in the fourteenth line, the words: — or within thirty days after a conviction by a court of competent jurisdiction, — so as to read as follows: — *Section 16.* The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the Commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of, or within thirty days after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

Approved February 21, 1907.

Chap.141 AN ACT TO AUTHORIZE THE AMERICAN UNITARIAN ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

The American
Unitarian
Association,
holding of real
and personal
estate by.

The American Unitarian Association is hereby authorized to hold real and personal estate to an amount not exceeding three million dollars, for the purposes of its incorporation.

Approved February 25, 1907.

AN ACT TO CONFIRM AND ESTABLISH THE UNION OF THE
IMMANUEL CONGREGATIONAL SOCIETY WITH THE WALNUT
AVENUE CONGREGATIONAL SOCIETY, AND THE UNION OF
THE IMMANUEL CONGREGATIONAL CHURCH WITH THE
WALNUT AVENUE CONGREGATIONAL CHURCH. Chap. 142

Be it enacted, etc., as follows:

SECTION 1. The proceedings by which the Immanuel Congregational Society of Boston has united with the Walnut Avenue Congregational Society of Boston and has transferred to said Walnut Avenue Congregational Society certain personal property, and the votes whereby said Immanuel Congregational Society has voted to sell its church building and real property connected therewith and to pay over the proceeds in trust to the Walnut Avenue Congregational Society, are hereby ratified and confirmed; and said Immanuel Congregational Society is authorized to pay over said proceeds upon the trusts set forth in said votes, and said Walnut Avenue Congregational Society is authorized to receive and hold said property in accordance with said trusts. After said property has been transferred in trust to said Walnut Avenue Congregational Society, as above provided, said Immanuel Congregational Society shall cease to exist as a separate organization.

Proceedings of certain religious societies in Boston ratified and confirmed.

SECTION 2. Said Walnut Avenue Congregational Society shall have and enjoy all the franchises, powers, privileges, property and rights of every kind now belonging to the Immanuel Congregational Society, or which would have belonged to said Immanuel Congregational Society if it had continued to exist, and shall assume and be subject to all the duties, debts and liabilities of said Immanuel Congregational Society.

The Walnut Avenue Congregational Society to assume certain debts, duties and liabilities.

SECTION 3. The proceedings by which the Immanuel Congregational Church has united with the Walnut Avenue Congregational Church, now called the Immanuel-Walnut Avenue Congregational Church, and has transferred to said Immanuel-Walnut Avenue Congregational Church certain personal property and also certain property formerly held in trust by said Immanuel Congregational Church, are hereby ratified and confirmed; and all property, real or personal, belonging to said Immanuel Congregational Church, and all property held in trust by said church or by the deacons of said church, or which

Certain proceedings confirmed.

would have belonged to said Immanuel Church or which would have been held in trust by said church or by the deacons thereof if it had continued to exist, shall be vested in the deacons of the Immanuel-Walnut Avenue Congregational Church, to be held by them upon the same, or as nearly as possible upon the same, trusts as said property is now held.

How trust property or income shall be applied.

SECTION 4. In case of doubt as to the precise manner in which said trust property or income thereof shall be expended, the matter may be determined by the supreme judicial court upon the application of any person interested or of the attorney-general, and, until the court shall otherwise order, said trust property and the income thereof shall be applied in accordance with the terms of the original trusts or as nearly as possible in accordance therewith by the deacons of said Immanuel-Walnut Avenue Congregational Church.

Records, books, etc.

SECTION 5. All records and other books and papers of said Immanuel Congregational Society shall be the property of the Walnut Avenue Congregational Society, and all records and other books and papers of the Immanuel Congregational Church shall be the property of the Immanuel-Walnut Avenue Congregational Church.

Approved February 25, 1907.

Chap.143 AN ACT TO ENLARGE THE POWERS OF THE CONGREGATIONAL EDUCATION SOCIETY.

Be it enacted, etc., as follows:

Powers of the Congregational Education Society enlarged.

SECTION 1. In addition to the purposes for which the Congregational Education Society was incorporated, the said society is also hereby authorized to promote Christian civilization in any territory or country acquired or hereafter acquired by the United States or coming under its sovereignty and dominion, or subject, as a possession, to the legislative power of congress, and in foreign countries, by endowing, assisting or establishing academic, collegiate or theological institutions of learning therein, and by aiding or assisting indigent children and young persons of either sex seeking an education in such institutions.

When to take effect.

SECTION 2. This act shall be void unless the same shall be accepted by said corporation at a meeting called for that purpose, or at its annual meeting held next after the passage of this act.

Approved February 25, 1907.

AN ACT RELATIVE TO THE TRUSTEES OF HOPKINS ACADEMY. *Chap. 144*

Be it enacted, etc., as follows:

SECTION 1. The number of the Trustees of Hopkins Academy, incorporated by chapter one hundred and four of the acts of the year eighteen hundred and fifteen, as amended by chapter one of the acts of the year eighteen hundred and twenty-one, a corporation existing by prescription prior to said charter, and ever since the year sixteen hundred and fifty-seven under the name of the Committee of the Hopkins Donation School in Hadley, and for the purpose of maintaining a school or academy in said Hadley, with the fund provided therefor, under the will of the Honorable Edward Hopkins, shall not at any one time be more than fifteen and shall not be permitted to remain less than five. Chapter one of the acts of the year eighteen hundred and twenty-one and any act inconsistent herewith are hereby repealed.

Trustees of Hopkins Academy, number limited.

Repeal.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1907.

AN ACT TO PROVIDE FOR THE PERFORMANCE OF CLERICAL DUTIES IN THE SUPREME JUDICIAL COURT SITTING AT BOSTON FOR THE HEARING OF CASES FOR COUNTIES OTHER THAN SUFFOLK. *Chap. 145*

Be it enacted, etc., as follows:

SECTION 1. Section fifteen of chapter one hundred and sixty-five of the Revised Laws is hereby amended by inserting after the word "clerk", in the first line, the words: — or the assistant clerk, — and by adding at the end of said section the words: — and when the assistant clerk is so acting his attestation as assistant clerk shall be sufficient without further designation, — so as to read as follows: — *Section 15.* The clerk or the assistant clerk of the supreme judicial court for the county of Suffolk shall act as clerk of the supreme judicial court when sitting in Boston for the hearing of cases from any county other than Suffolk, except when sitting as a full court, and for such purposes as the court may order; and when the assistant clerk is so acting his attestation as assistant clerk shall be sufficient without further designation.

R. L. 165, § 15, amended.

Duties of clerk and assistant clerk of the supreme judicial court in Suffolk.

SECTION 2. In addition to the salary already provided by section three of chapter four hundred and fifty-one of

Compensation of assistant clerk.

the acts of the year nineteen hundred and four the assistant clerk of the supreme judicial court for the county of Suffolk shall receive for his services from the treasury of the Commonwealth the sum of five hundred dollars a year.

SECTION 3. This act shall take effect upon its passage.

Approved February 25, 1907.

Chap.146 AN ACT TO PROVIDE THAT VACANCIES IN OFFICES OF THE AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS MAY BE FILLED BY THE PRUDENTIAL COMMITTEE.

Be it enacted, etc., as follows:

Filling of vacancy in any office of the American Board of Commissioners for Foreign Missions.

SECTION 1. Any vacancy in any office of the American Board of Commissioners for Foreign Missions may be filled by the prudential committee, the persons thus chosen to hold office until the next annual meeting of said board or until others are chosen and qualified to succeed them.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved February 25, 1907.*

Chap.147 AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

1883, 250, § 11, amended.

SECTION 1. Section eleven of chapter two hundred and fifty of the acts of the year eighteen hundred and eighty-three, being "An Act to establish the city of Northampton", is hereby amended by striking out the words "but shall not exceed the sum of eight hundred dollars", in the twenty-second and twenty-third lines, so as to read as follows: — *Section 11.* The mayor shall be the chief executive officer of the city. He shall cause the laws and regulations of the city to be enforced and keep a general supervision over the conduct of all subordinate officers; and he may for a period not exceeding seven days, suspend and, with the consent of the appointing power, for cause remove any officer over whose appointment he, or his predecessor has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the city council, or either branch thereof, when in his opinion the interests of the city require it, by causing notice to be left at the usual place of

Powers and duties of mayor.

residence of each member of the branch to be convened. He may, from time to time, communicate to the city council, or either branch thereof, such information, and recommend such measures, as the business and interests of the city may in his opinion require. He shall, when present, preside over the board of aldermen and over the city council when in joint convention. He shall at all times have the control and direction of the police force, subject only to the ordinances of the city. His salary shall be fixed by the city council and shall be payable at stated periods, but shall not be increased or diminished during the year for which he is elected. He shall receive no other compensation.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1907.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE SINKING FUND FOR THE CLINTON WATER LOAN TO SELL BONDS OF THE TOWN OF CLINTON WATER LOAN HELD IN SAID SINKING FUND.

Chap.148

Be it enacted, etc., as follows:

SECTION 1. The trustees of the sinking fund for the Clinton Water Loan are authorized to sell and transfer the whole or any part of the bonds of the town of Clinton, Water Loan, issued under authority of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and ninety-six, amounting in par value to twenty-seven thousand dollars, maturing on the first day of June, nineteen hundred and twenty-six, now held by the trustees in said sinking fund. The proceeds of the bonds sold under authority of this act are to be applied toward payment of Clinton water loan bonds of said town maturing on the first day of October, nineteen hundred and seven.

Trustees of sinking fund may sell and transfer bonds, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1907.

AN ACT TO PROVIDE THAT THE TOWN OF DIGHTON SHALL NOT BE REQUIRED TO MAINTAIN A HIGH SCHOOL.

Chap.149

Be it enacted, etc., as follows:

SECTION 1. The town of Dighton shall not be required to maintain a high school in accordance with the provisions of section two of chapter forty-two of the Revised

The town of Dighton not required to maintain a high school.

Provisos.

Laws: *provided*, that said town shall pay for the tuition of every child who resides therein and who attends the high school of another town or city; and *provided, further*, that the town of Dighton shall pay the railroad or railway transportation of every such child to and from such high school.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1907.

Chap.150 AN ACT RELATIVE TO THE ANNUAL MEETING OF THE PROPRIETORS OF THE TABERNACLE CHURCH IN SALEM.

Be it enacted, etc., as follows:

Time of holding annual meeting of the Proprietors of the Tabernacle Church in Salem changed.

SECTION 1. The annual meeting of the Proprietors of the Tabernacle Church in Salem, incorporated by an act passed October twenty-seven, seventeen hundred and eighty-one, instead of being held in the month of May, as required by the act of incorporation, may be held at such time as the said proprietors may determine.

Certain votes, etc., confirmed.

SECTION 2. All votes and proceedings of said proprietors at any annual meeting heretofore held at any other time than in the month of May are hereby confirmed and made valid, to the same extent as if such votes had been passed and such proceedings had been taken at an annual meeting held in conformity with the act of incorporation.

SECTION 3. This act shall take effect upon its passage.

Approved February 27, 1907.

Chap.151 AN ACT RELATIVE TO PAYMENTS OF INDEBTEDNESS INCURRED IN THE CONSTRUCTION AT SALEM OF A NEW BUILDING FOR THE COUNTY OF ESSEX.

Be it enacted, etc., as follows:

1905, 423, § 5, amended.

SECTION 1. Section five of chapter four hundred and twenty-three of the acts of the year nineteen hundred and five is hereby amended by striking out the word "six", in the last line, and inserting in place thereof the word: — eight, — so as to read as follows: — *Section 5.* In order to meet the expenses incurred under this act, the county commissioners may issue from time to time coupon or registered bonds of said county, bearing interest at a rate not exceeding four per cent per annum, to an amount not exceeding in the aggregate three hundred thousand dollars. Before issuing any such bonds said commission-

County commissioners may issue bonds to meet expense of constructing a new building for the county of Essex.

ers shall advertise for proposals for the amount to be issued, in two daily newspapers of general circulation published in the city of Boston; and the bonds shall be sold to the highest responsible bidder, the county commissioners having authority to reject any and all bids; and in case no bid is accepted the said commissioners shall forthwith advertise for new proposals. The indebtedness so incurred by said county, together with the indebtedness which may now exist or which may hereafter be incurred on account of the issue of bonds authorized by chapter two hundred and sixty-six of the acts of the year nineteen hundred and two, shall be paid out of the amounts received for taxes, at the rate of twenty thousand dollars each year, commencing with the year nineteen hundred and eight, until the whole indebtedness is paid.

Payment of
indebtedness.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1907.

AN ACT TO AUTHORIZE THE NEWBURYPORT HOMEOPATHIC HOSPITAL TO ESTABLISH A TRAINING SCHOOL FOR NURSES.

Chap.152

Be it enacted, etc., as follows:

SECTION 1. The Newburyport Homeopathic Hospital is hereby authorized to establish a training school for nurses in connection with the hospital, to conduct a course or courses of study and training in the said school, and to grant certificates or diplomas to such persons as shall complete the course required in a manner satisfactory to the officers of the hospital.

The Newburyport Homeopathic Hospital may establish a training school for nurses.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1907.

AN ACT TO AUTHORIZE THE TOWN OF DANVERS TO INCUR ADDITIONAL INDEBTEDNESS FOR THE IMPROVEMENT OF ITS WATER SUPPLY.

Chap.153

Be it enacted, etc., as follows:

SECTION 1. The town of Danvers is hereby authorized to issue notes or bonds to the amount of one hundred and fifty thousand dollars, payable at such periods, not exceeding thirty years from the date thereof, and at such rate of interest, not exceeding four per cent per annum, and payable semi-annually, as the town may determine. The said notes or bonds shall be signed by the treasurer and counter-

Danvers Water Loan, Act of 1907.

signed by the selectmen of the town, and shall be denominated on the face thereof, Danvers Water Loan, Act of 1907. The proceeds of the same shall be used only for construction purposes in the water department of the town, but no purchaser of any of the said notes or bonds shall be responsible for the application of the proceeds. The said notes or bonds shall be issued upon the condition that the town may pay or redeem the same at any time after five years from the issue thereof.

Sinking fund
to be con-
tinued.

SECTION 2. The sinking fund established heretofore by the town to provide for the payment of indebtedness incurred under chapter one hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, and under chapter one hundred and eighty-two of the acts of the year nineteen hundred and six, shall be continued and maintained for the payment of any notes or bonds issued under the authority of this act. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof and in addition thereto shall apply to the indebtedness hereby authorized and to the securities issued therefor.

Certain pro-
visions of law
to apply.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1907.

Chap. 154 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE
OF THE MASSACHUSETTS STATE SANATORIUM.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, for the maintenance of the Massachusetts state sanatorium, during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

Massachusetts
state sana-
torium.

From the receipts of said sanatorium now in the treasury of the Commonwealth, the sum of fifty-seven thousand two hundred thirty-six dollars and seventy-one cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred six thousand seven hundred sixty-three dollars and twenty-nine cents.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE COMMISSION ON INDUSTRIAL EDUCATION. *Chap. 155*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the commission on industrial education, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

For the salaries of the commissioners, a sum not exceeding two thousand dollars. Appropriations.
Commission on industrial education, salaries.

For the salary of the secretary of the commission, a sum not exceeding five thousand dollars. Secretary.

For clerk hire, stenographers and rent of office of the commission, a sum not exceeding forty-eight hundred dollars. Stenographers, etc.

For travel and other expenses of the commission, including cost of investigations at home and abroad, a sum not exceeding eighteen thousand dollars. Travelling expenses, etc.

For incidental and contingent office expenses of the commission, a sum not exceeding two thousand dollars. Office expenses.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1907.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE SCOTTISH RITE OF FREEMASONRY TO HOLD ADDITIONAL REAL AND PERSONAL PROPERTY. *Chap. 156*

Be it enacted, etc., as follows:

Section two of chapter sixty-seven of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting after the word "all", in the third line, the words: — one million, — so as to read as follows: — *Section 2.* Said trustees may receive, manage and convey such real and personal estate, not exceeding in all one million five hundred thousand dollars, as may be deposited with them by or for the supreme council of the ancient and accepted Scottish rite for the northern jurisdiction of the United States, to such uses as said council may appoint, and shall report their doings to such supreme council, and submit their accounts and records to the inspection of said council. They may also receive and execute the trust of gifts and devises made to them for specific chari-

1891, 67, § 2, amended.

Trustees may hold additional estate.

table objects of relief of aged, sick or decayed members of any of the associations or degrees of that rite depending on said supreme council, or for the relief of poor widows and orphans of members of any degree of said rite, whether said trusts are to be performed and executed in this or any other state of the United States where said rite is practised.

Approved March 1, 1907.

Chap. 157 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE MASSACHUSETTS HIGHWAY COMMISSION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Massachusetts highway commission.

For the salaries of the Massachusetts highway commission, the sum of eighty-five hundred dollars.

Engineers, clerks, etc.

For the salaries of the engineers, clerks and assistants in the office of the said commission, a sum not exceeding fifteen thousand dollars.

Expenses.

For travelling and other expenses of the commissioners, printing, postage and necessary office expenses, a sum not exceeding sixty-five hundred dollars.

Rent of offices.

For rent of offices for the use of the commission, a sum not exceeding forty-seven hundred and fifty dollars.

Annual report.

For printing and binding the annual report of the commissioners, a sum not exceeding twelve hundred dollars.

Road-building machinery.

For care and repair of road-building machinery, a sum not exceeding three thousand dollars.

Registration of motor vehicles, etc.

For expenses in connection with the registration of motor vehicles and the licensing of operators thereof, a sum not exceeding eighteen thousand dollars.

Maintenance of state highways.

For the maintenance of state highways, a sum not exceeding one hundred thousand dollars.

Suppression of gypsy and brown tail moths.

For expenses in connection with the suppression of the gypsy and brown tail moths on state highways, a sum not exceeding ten thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1907.

AN ACT TO PROVIDE FOR THE PAYMENT OF WITNESS FEES,
AND EXPENSES OF OFFICERS, IN CASES OF NEGLECTED, WAY-
WARD AND DELINQUENT CHILDREN. *Chap. 158*

Be it enacted, etc., as follows:

SECTION 1. All laws in relation to the payment of witness fees, and to the payment of expenses of officers, in criminal cases, shall apply in cases arising under chapter three hundred and thirty-four of the acts of the year nineteen hundred and three, or under chapter four hundred and thirteen of the acts of the year nineteen hundred and six. The payment of such fees and of such expenses, in cases arising under either of said chapters before the passage of this act, is hereby authorized, confirmed and made valid.

Payment of
witness fees,
etc., in
certain cases.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1907.

AN ACT RELATIVE TO ORDERS BY THE PROBATE COURT ALLOW-
ING THE MARRIAGE OF CERTAIN MINORS. *Chap. 159*

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter one hundred and fifty-one of the Revised Laws is hereby amended by inserting after the word "living", in the fourth line, the words: — or if he lives out of the Commonwealth or has deserted his family, — and by inserting after the word "order", in the sixth line, the words: — If the parent whose consent would be required if living in this Commonwealth lives outside of the Commonwealth and the address of such parent is known, such notice of the proceedings shall be given to such parent as the probate court may order: *provided*, that no notice shall be required to be given to a parent who has deserted his family, — so as to read as follows: — *Section 20*. The judge of probate for the county in which a minor under the age specified in the preceding section resides may, after a hearing, make an order allowing the marriage of such minor, if the father of such minor or, if he is not living, or if he lives out of the Commonwealth or has deserted his family, the mother or, if neither parent is alive and resident in this Commonwealth, a legal guardian duly appointed has consented to such order. If the parent whose consent would be re-

R. L. 151, § 20,
amended.

Marriage of
minors, how
authorized.

Proviso.

quired if living in this Commonwealth lives outside of the Commonwealth and the address of such parent is known, such notice of the proceedings shall be given to such parent as the probate court may order: *provided*, that no notice shall be required to be given to a parent who has deserted his family. Said judge of probate may also after a hearing make such order in the case of a person whose age is alleged to exceed that specified in the preceding section, but who is unable to produce an official record of birth, whereby the reasonable doubt of the clerk or registrar, as exercised under the provisions of section twenty-eight, may be removed. Upon the receipt of a certified copy of such order by the clerk or registrar of the city or town in which such minor resides, he shall receive the notice required by law and issue a certificate as in other cases.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1907.

Chap.160 AN ACT TO AUTHORIZE THE TOWN OF READING TO PAY A SUM OF MONEY TO POST 194, G. A. R.

Be it enacted, etc., as follows:

Town of Reading may pay a sum of money to Post 194, G. A. R.

SECTION 1. The town of Reading is hereby authorized to pay annually to Post 194 of the Grand Army of the Republic, in said town, the sum of fifty dollars, for the purpose of lighting the grand army hall.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1907.

Chap.161 AN ACT RELATIVE TO THE CLOSE SEASON FOR GRAY SQUIRRELS AND RABBITS OR HARES, AND FOR QUAIL AND CERTAIN OTHER GAME BIRDS, IN THE COUNTY OF BRISTOL.

Be it enacted, etc., as follows:

Repeal.

Chapter three hundred and sixty-six of the acts of the year nineteen hundred and four is hereby repealed.

Approved March 1, 1907.

Chap.162 AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF PLYMOUTH TO ERECT AND ESTABLISH A MERIDIAN LINE.

Be it enacted, etc., as follows:

New meridian line to be established in the county of Plymouth.

SECTION 1. The county commissioners of the county of Plymouth are hereby authorized and instructed to re-establish a true meridian line in place of the meridian

line established in Bridgewater in said county upon land formerly owned by the Plymouth County Agricultural Society under chapter two hundred and eighty-six of the acts of the year eighteen hundred and seventy, upon such land and in such place in said county as said commissioners may determine; and they may in behalf of said county of Plymouth purchase land for this purpose or purchase the right to erect and maintain said meridian line. The expense of the change shall be paid from the treasury of the county of Plymouth.

SECTION 2. Said new meridian line shall be established in accordance with section two of said chapter two hundred and eighty-six, and when so established shall be deemed to have been erected under the provisions of said chapter.

How established.

SECTION 3. After the establishment of the said meridian line, said county commissioners shall file with the clerk of courts in said county a full and accurate description of the same, with the declination of the needle for the time being.

Description to be filed with the clerk of courts.

SECTION 4. This act shall take effect upon its passage.

Approved March 1, 1907.

AN ACT TO PROVIDE FOR SEMI-MONTHLY PAYMENTS TO MEMBERS OF THE GENERAL COURT.

Chap. 163

Be it enacted, etc., as follows:

Section ten of chapter three of the Revised Laws is hereby amended by adding at the end thereof the words: — and a member may, under such regulations as the treasurer and receiver general shall prescribe, be paid twice in any month to an amount not exceeding the proportion then due at the rate of one hundred dollars monthly, — so as to read as follows: — *Section 10.* Each member of the general court shall be entitled to be paid one hundred dollars on account at the end of each month; but such monthly payments shall not exceed, in the aggregate, the compensation of the member for the annual session; and a member may, under such regulations as the treasurer and receiver general shall prescribe, be paid twice in any month to an amount not exceeding the proportion then due at the rate of one hundred dollars monthly.

R. L. 3, § 10, amended.

Members of the general court may be paid semi-monthly.

Approved March 1, 1907.

Chap.164 AN ACT TO PROVIDE FOR THE KEEPING OF MEDICAL AND SURGICAL APPLIANCES IN FACTORIES.

Be it enacted, etc., as follows:

Medical and surgical supplies to be kept in certain factories.

SECTION 1. Every person, firm or corporation operating a factory or shop in which machinery is used for any manufacturing purpose, or for any other purpose except for elevators, or for heating or hoisting apparatus, shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the local board of health of any city or town where such machinery is used, containing plasters, bandages, absorbent cotton, gauze, and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises.

Penalty.

SECTION 2. Any person, firm or corporation violating this act shall be subject to a fine of not less than five dollars nor more than five hundred dollars for every week during which such violation continues.

Approved March 1, 1907.

Chap.165 AN ACT RELATIVE TO ASSESSMENTS FOR THE MAINTENANCE OF THE METROPOLITAN PARK, SEWER AND WATER DISTRICTS.

Be it enacted, etc., as follows:

Annual appropriation to be made for the maintenance of parks, boulevards, etc.

SECTION 1. Annual appropriations shall be made for the maintenance of parks and boulevards under the charge of the metropolitan park commission, and for the maintenance of the north and south metropolitan systems of sewerage, and for the maintenance of the metropolitan water system under the control of the metropolitan water and sewerage board, and such appropriations shall be apportioned and assessed by the treasurer and receiver general in the manner now provided by law.

Balance remaining to be carried to account of succeeding year.

SECTION 2. Of the amount so assessed and collected, any balance remaining on the thirtieth day of November in any year shall be carried forward to the next year, and shall be taken into account in making the assessments for that year.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 4, 1907.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF GRAY *Chap.166*
SQUIRRELS.

Be it enacted, etc., as follows:

Section nine of chapter ninety-two of the Revised Laws R. L. 92, § 9, amended. is hereby amended by inserting after the word "squirrel", in the first line, the words:—between the first day of December and the first day of October following, or a,—so as to read as follows:—*Section 9.* Whoever takes or kills Close seasons for gray squirrels, etc. a gray squirrel between the first day of December and the first day of October following, or a hare or rabbit between the first day of March and the first day of October, or within said time, buys, sells or offers for sale any of said animals, shall be punished by a fine of ten dollars; but any person, firm or corporation dealing in game or engaged in the cold storage business may buy, sell or have in possession, and any person may buy from such person, firm or corporation, and have in possession if so bought, Colorado jack rabbits, Nova Scotia white or eastern white rabbits at any season, if they have not been taken or killed in this Commonwealth contrary to the provisions of this section.

Approved March 4, 1907.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap.167*
IN THE BUREAU OF STATISTICS OF LABOR.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

For the salary of the chief of the bureau of statistics of labor, three thousand dollars. Chief of bureau of statistics of labor.

For the salary of the first clerk of the said bureau, two thousand dollars. First clerk.

For the salary of the second clerk of the said bureau, sixteen hundred and fifty dollars. Second clerk.

For the salaries of the two special agents of the bureau, the sum of twenty-four hundred dollars. Special agents.

For such additional clerical assistance and for such expenses of the bureau as may be necessary, a sum not exceeding eighteen thousand eight hundred dollars. Clerical assistance.

Statistics of
manufactures.

For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding sixty-five hundred dollars.

Special census.

For expenses in connection with taking a special census in towns having an increased resident population during the summer months, a sum not exceeding one thousand dollars.

Annual
reports.

For printing and binding the annual reports of the said bureau, a sum not exceeding four thousand dollars.

Annual returns
by cities and
towns.

For expenses in connection with the making of annual returns by cities and towns, a sum not exceeding six thousand dollars.

Free employ-
ment offices

For expenses in connection with the establishment and maintenance of free employment offices, a sum not exceeding twenty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1907.

Chap.168 AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO SELL CERTAIN LANDS TAKEN AS A PART OF THE APPROACH TO CAMBRIDGE BRIDGE.

Be it enacted, etc., as follows:

The city of
Cambridge
may sell
certain real
estate.

SECTION 1. The city of Cambridge is hereby authorized to sell and convey such part as it may deem advisable of the real estate situated at the northwest corner of First and Main streets in the said city which is not now used or needed as an approach to the Cambridge bridge, the same having been taken by order of the Cambridge bridge commission as an approach to the Cambridge bridge, by an order dated March thirteen, nineteen hundred and five, said taking being recorded with Middlesex south district deeds.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1907.

Chap.169 AN ACT TO PROVIDE FOR LESS DELAY IN THE APPOINTMENT OF GUARDIANS AND CONSERVATORS.

Be it enacted, etc., as follows:

R. L. 145, § 6,
amended.

SECTION 1. Section six of chapter one hundred and forty-five of the Revised Laws is hereby amended by striking out the word "fourteen", in the fifth line, and inserting in place thereof the word: — seven, — and by inserting after the word "him", in the sixth line, the words: —

provided, that the judge of said court may, for cause shown, direct that a shorter notice be given to him, — so as to read as follows:— *Section 6*. If the relations or friends of an insane person, or the mayor and aldermen or selectmen of a city or town of which an insane person is an inhabitant or resident, apply to the probate court to have a guardian appointed for him, the court shall cause not less than seven days' notice of the time and place appointed for the hearing to be given to him: *provided*, that the judge of said court may, for cause shown, direct that a shorter notice be given to him; and if after a hearing the court finds that he is incapable of taking care of himself, it shall appoint a guardian of his person and estate.

Guardian of
insane person,
notice of
hearing on
appointment
of.

Proviso.

SECTION 2. Section seven of said chapter is hereby amended by striking out the word "fourteen", in the twelfth and thirteenth lines, and inserting in place thereof the word:— seven, — and by inserting after the word "spendthrift", in the fourteenth line, the words:— *provided*, that the judge of said court may, for cause shown, direct that a shorter notice be given to him, — so as to read as follows:— *Section 7*. If a person, by excessive drinking, gaming, idleness, or debauchery of any kind, so spends, wastes or lessens his estate as to expose himself or his family to want or suffering, or any city or town to charge or expense for his support or for the support of his family, the overseers of the poor of the city or town of which he is an inhabitant or resident, or upon which he is or may become chargeable, or a relation or relations of such spendthrift, may file a petition in the probate court, stating the facts and circumstances of the case and praying to have a guardian appointed. In towns in which overseers of the poor are not chosen and in which selectmen act as such, the selectmen may file such petition. Upon the filing of such petition, the court shall cause not less than seven days' notice of the time and place appointed for the hearing to be given to the supposed spendthrift: *provided*, that the judge of said court may, for cause shown, direct that a shorter notice be given to him; and if, after a hearing, it finds that he comes within the above description, it shall appoint a guardian of his person and estate.

R. L. 145, § 7,
amended.

Guardian of
spendthrift,
notice of
hearing on ap-
pointment of.

Proviso.

SECTION 3. Section forty of said chapter, as amended by section one of chapter ninety-six of the acts of the year

R. L. 145, § 40,
amended.

Conservators
of the property
of aged per-
sons, notice of
hearing on ap-
pointment of.

Proviso.

nineteen hundred and three, and by section one of chapter one hundred and twenty-seven of the acts of the year nineteen hundred and five, is hereby further amended by striking out the word "fourteen", in the tenth line, and inserting in place thereof the word:—seven,— and by inserting after the word "petitioner", in the twelfth line, the words:—*provided*, that the judge of said court may, for cause shown, direct that a shorter notice be given to him,— so as to read as follows:— *Section 40.* If a person by reason of advanced age or mental weakness is unable to properly care for his property the probate court of the county in which he resides, or, if he resides out of the Commonwealth, the probate court of any county in which he has property, may, upon his petition or upon the petition of one or more of his friends, appoint a conservator of his property. Upon the filing of such petition, the court shall appoint a time and place for a hearing, and shall cause at least seven days' notice thereof to be given to the person for whom a conservator is to be appointed if he is not the petitioner: *provided*, that the judge of said court may, for cause shown, direct that a shorter notice be given to him. If at the hearing it appears that such person is incapable of properly caring for his property a conservator shall be appointed who shall have the charge and management of such property subject to the direction of the court. Such conservator may be discharged by the probate court upon the application of the ward, or otherwise, when it appears that the conservatorship is no longer necessary. But a conservator of the property of a married person shall not be appointed or discharged without such notice as the court may order to the husband or wife of such person.

SECTION 4. This act shall take effect upon its passage.

Approved March 6, 1907.

Chap. 170 AN ACT TO PROVIDE FOR THE APPROVAL OF CERTAIN EXPENSES
OF DISTRICT ATTORNEYS.

Be it enacted, etc., as follows:

1906, 494, § 1,
amended.

SECTION 1. Section one of chapter four hundred and ninety-four of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "commissioners", in the nineteenth line, the words:— or by a justice of the superior court,— so as to read as fol-

lows:—*Section 1.* Any district attorney may, in the name of the county, contract such bills for stationery, for experts, for travel beyond the boundary line of the Commonwealth by witnesses required by the Commonwealth in the prosecution of cases, for necessary expenses incurred by officers under their direction in going outside of the boundary line of the Commonwealth for the purpose of searching for or bringing back for trial persons under indictment in said county, and for such other incidental expenses as may in the opinion of such district attorney be necessary for the proper conduct of his office in the investigation of or preparation and trial of criminal causes; and all such bills shall be paid by the treasurer of the county for the benefit of which such bills were contracted, upon a certificate by the district attorney that they were necessarily incurred in the proper performance of his duty, and upon the approval of the county auditor in the case of bills incurred by the district attorney for the county of Suffolk, and by the county commissioners, or by a justice of the superior court, in counties other than Suffolk.

Certain expenses of district attorneys to be paid by the county for the benefit of which the expense was contracted, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1907.

AN ACT RELATIVE TO A WATER LOAN BY THE CITY OF MELROSE.

Chap. 171

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and fifteen of the acts of the year nineteen hundred and two is hereby amended by inserting after the word "may", in the second line, the words:—from time to time,—and by striking out the words "shall bear a uniform date of issue", in the eighth and ninth lines,—so as to read as follows:—*Section 1.* The city of Melrose, for the purpose of extending and improving its system of water works, may from time to time issue bonds, notes or scrip to an amount not exceeding fifty thousand dollars in addition to the amount which it is now authorized to issue. Such bonds, notes or scrip shall bear on their face the words, Melrose Water Loan, Act of 1902; shall be payable at the expiration of a period not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the mayor of the city. Said city may sell such securities

1902, 415, § 1, amended.

Melrose Water Loan, Act of 1902.

at public or private sale, but none of said bonds, notes or scrip shall be issued or sold except in compliance with a vote of two thirds of the board of aldermen of the city.

Issue of
certain bonds
legalized.

SECTION 2. No bonds, notes or scrip heretofore issued under authority of said chapter four hundred and fifteen shall be invalid by reason of their failure to bear a uniform date of issue or by reason of any other informality in the issuing thereof; and all such bonds, notes or scrip are hereby legalized, ratified and confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1907.

Chap.172 AN ACT TO APPROVE THE PURCHASE BY THE UNITED STATES OF AMERICA OF A TRACT OF LAND ON DEER ISLAND, IN BOSTON HARBOR, AND TO CEDE JURISDICTION OVER THE SAME TO THE GENERAL GOVERNMENT.

Be it enacted, etc., as follows:

The United
States may
acquire a
certain tract
of land on
Deer Island
in Boston
harbor.

SECTION 1. The consent of the Commonwealth of Massachusetts is hereby granted to the United States of America to the purchase, for fortification purposes, from the city of Boston, of a certain tract of land on Deer Island in Boston harbor, containing a total area of about one hundred acres above mean low water mark; the said tract being marked on the grounds by certain monuments, and being designated on a map entitled "Plan showing land at Deer Island, Boston Harbor, Mass., acquired by the United States under provisions of Act of Congress approved June 25th, 1906", dated United States Engineer Office, Boston, Massachusetts, September twenty-nine, nineteen hundred and six, and signed by Edw. Burr, major, corps of engineers; a copy of said plan with a copy of the deed of conveyance to the United States of the aforesaid land being recorded in Suffolk registry of deeds, book 3177, page 577.

Jurisdiction
ceded.

SECTION 2. Jurisdiction over the tract so purchased, including jurisdiction over the two strips of land lying within the tract described in section one, which were acquired by the Commonwealth of Massachusetts under a taking made by the board of metropolitan sewerage commissioners, dated April 2, 1890, and recorded with Suffolk deeds, book 1928, page 42, the said two strips being the fifth and sixth parcels described in said taking, is hereby ceded to the United States of America: *provided,*

Proviso.

and the cession and consent aforesaid are given upon the express condition that the Commonwealth shall retain concurrent jurisdiction with the United States in and over the lands so purchased, as well as in and over the aforesaid two strips of land lying within the tract described in section one, so far as that all civil processes and such criminal processes as may issue under authority of the Commonwealth against any person or persons charged with crimes committed without the said tract of land, including also the two strips of land aforesaid, may be executed thereon, in the same manner as though this cession and consent had not been granted.

SECTION 3. The United States government is hereby authorized, upon such terms and conditions as may be prescribed by the harbor and land commissioners, to occupy and fill such flats belonging to the Commonwealth, and to place such structures in or over the tide water adjacent to the area herein authorized to be purchased as may be necessary for the purposes for which said area is to be used.

Certain flats may be occupied and filled.

SECTION 4. This act shall be void unless a suitable plan or plans of the premises purchased by the United States under the provisions of this act shall be deposited in the office of the secretary of the Commonwealth within one year after its passage.

Plans to be deposited with the secretary of the Commonwealth.

SECTION 5. Nothing contained herein shall abridge or affect the right and title of the Commonwealth in and to the two strips of land included in the tract described in section one, and acquired under the taking aforesaid by the board of metropolitan sewerage commissioners, the said two strips being the fifth and sixth parcels described in said taking.

Certain rights of the Commonwealth not abridged.

SECTION 6. This act shall take effect upon its passage.

Approved March 6, 1907.

AN ACT RELATIVE TO THE MASSACHUSETTS COMMISSION FOR THE BLIND.

Chap. 173

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eighty-five of the acts of the year nineteen hundred and six is hereby amended by adding after section eight the following new sections: — *Section 9.* There may be advanced to the chairman of said commission out of the treasury of the

1906, 385, amended.

A certain sum may be advanced to the

Massachusetts
commission for
the blind as a
working
capital.

Commonwealth annually, from the amount appropriated for the maintenance of its industries, such sum as may be necessary, not exceeding five thousand dollars at any one time, to be used as a working capital for said industries. Said sum when drawn from the treasury of the Commonwealth shall be deposited in a national bank or trust company to the credit of the chairman of the commission as such, who shall give a bond in such sum and with such sureties as the governor and council may approve. *Section 10.* The commission shall keep separate books of account for its industries, and may use all moneys received from the sale of any products made at its workshops or from the sale of products made under its supervision to which it has title, for the purpose of carrying on its said industries. The auditor of accounts shall at least once in each year, and oftener if he deems it advisable, examine the books, accounts and vouchers of the commission.

Books of
account to be
kept.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1907.

Chap. 174 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS SCHOOL FOR THE BLIND.

Be it enacted, etc., as follows:

Appropriations,
Massachusetts
commission
for the blind.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the salaries and expenses of the Massachusetts commission for the blind, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit: —

Maintenance
of industries.

For the maintenance of industries under the control of said commission, a sum not exceeding fifteen thousand dollars.

Expenses.

For general administration, for information, industrial and educational aid, and such other expenses as may be found necessary by the commission to carry out the provisions of the act establishing the commission, a sum not exceeding twenty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1907.

AN ACT TO INCORPORATE THE WESTFORD WATER COMPANY. *Chap. 175*

Be it enacted, etc., as follows:

SECTION 1. Abiel J. Abbot, Julian A. Cameron, John C. Abbot, George T. Day, Sherman H. Fletcher, Frederick G. Sargent, Allan C. Sargent, Osear R. Spalding, Edward Fisher, Walter J. Sleeper, Henry E. Cowan, Daniel C. Heath and Edmund M. Blake, their associates and successors, are hereby made a corporation by the name of the Westford Water Company, for the purpose of supplying the inhabitants of the town of Westford, or any part thereof, with water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

Westford
Water
Company
incorporated.

SECTION 2. Said corporation, for the purpose aforesaid, may lease, take or acquire by purchase or otherwise, and hold and convey the waters, or so much thereof as may be necessary, of any ponds, springs, streams, wells or any filter galleries or wells that may be constructed upon the shore of any pond, or near to any spring or stream within the limits of the said town, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, standpipes, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances, and may do such other things, as may be necessary for the establishment and maintenance of complete and effective water works: *provided, however,* that no source of water supply for domestic purposes or lands necessary for preserving the quality of such water shall be acquired under this act without the consent of the state board of health, and that the location of all dams, reservoirs, wells or other works for collecting or storing water shall be subject to the approval of said board.

May acquire
certain
waters,
water rights,
etc.

Proviso.

SECTION 3. Said company, for the purposes aforesaid, may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any land, water courses, canals, dams, railroads, railways and public or other ways,

May construct
and maintain
aqueducts,
etc.

and along any highway or other way in the town of Westford, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining and repairing such aqueducts, conduits, pipes and other works, and for all purposes of this act, said company may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel; but all things done upon any such ways shall be subject to the direction and approval of the selectmen of said town.

Description of
lands, etc., to
be recorded.

SECTION 4. Said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase or lease, file and cause to be recorded in the registry of deeds for the northern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation. The recording shall operate as a taking of the real estate and rights and easements therein described.

Damages.

SECTION 5. Said corporation shall pay all damages to property sustained by any person, firm or corporation by the taking of any land, right of way, water, water sources, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person, firm or corporation sustaining damages as aforesaid, who fails to agree with said corporation as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within two years after the taking of such land or other property or the doing of any other injury under authority of this act; but no such application shall be made after the expiration of the said two years. No application for the assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted under authority of this act. Said corporation may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in such event said corpo-

ration shall be further liable only for the additional damages caused by such additional taking.

SECTION 6. Said corporation may distribute the water through said town of Westford, or any part thereof, may establish and fix from time to time the rates for the use of said water and collect the same; and may make such contracts with the said town or with any fire district now or hereafter established therein, or with any individual or corporation, to supply water for the extinguishing of fires or for other purposes, as may be agreed upon.

Distribution of water, etc.

SECTION 7. Said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value fifteen thousand dollars, and the capital stock of said corporation shall not exceed seventy thousand dollars, to be divided into shares of one hundred dollars each. If it be necessary for the purposes of said corporation, an increase of capital stock may be authorized by the commissioner of corporations in the manner provided in sections thirty and thirty-one of chapter one hundred and nine of the Revised Laws, and in any amendments thereof now or hereafter made.

Real estate and capital stock.

SECTION 8. Immediately after the payment of the capital stock of said company a certificate of that fact and of the manner in which the same has been paid in, and, at the time of making the certificate, has been invested, signed and sworn to by the president, treasurer and a majority at least of the directors, and approved by the commissioner of corporations, shall be filed in the office of the secretary of the Commonwealth. A conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

Certificate of payment of capital stock to be filed with the secretary of the Commonwealth, etc.

SECTION 9. Said corporation may issue bonds and may secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall be

May issue bonds, etc.

expended only in the extension of the works of the company and in payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Issue of
capital stock,
etc.

SECTION 10. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued, and the purposes to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the certificates of stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

Penalty for
corruption of
water, etc.

SECTION 11. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under authority of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

The town of
Westford may
take fran-
chise, etc.

SECTION 12. The town of Westford shall have the right, at any time during the continuance of the charter hereby granted, to take by purchase or by exercise of the right of eminent domain, the franchise, property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of any kind held under the provisions of this act. If the town shall so take said property it shall, as part payment thereof, assume any indebtedness of said corporation incurred in the construction or improvement of the property, by lawful issue of bonds secured by mortgage. The town, on taking as herein provided the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized by this act, and the amount thus assumed shall be deducted from the

total amount to be paid by said town to said corporation. Said corporation shall furnish to the town of Westford, under oath, an itemized statement of the actual cost of the water supply system authorized under this act, together with a copy of all contracts made in providing and constructing said water supply system and any extension thereof, and shall furnish to said town annually in the month of January an itemized statement, under oath, of its receipts and expenditures, which statement shall be submitted by the selectmen to the citizens of the town at the annual town meeting. This authority to take said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting legally called for that purpose, and the taking, if by exercise of the right of eminent domain, shall be by filing in the registry of deeds for the northern district of the county of Middlesex a declaration of such taking, which shall include a certified copy of the article in the warrant under which the town acted, and of the vote of the town thereon showing that it was passed by a two thirds vote, as herein required. In case the town and the corporation shall be unable to agree upon the actual cost of said property, the supreme judicial court shall, upon application of either party and notice to the other, appoint three commissioners who shall determine the actual cost of said property, and whose award, when accepted by the court shall be final. Interest at the rate of six per cent shall be included in said award from the date of the taking or purchase.

Statement of receipts and expenditures to be furnished annually, etc.

Taking of franchise to be assented to by the town.

In case of disagreement commissioners may be appointed.

SECTION 13. Said town may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate seventy-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Westford Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding five per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed

Westford Water Loan.

for the purposes of this act, upon such terms and conditions as it may deem proper. Said town shall pay the interest upon said loan as it accrues, and shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

Water commissioners,
election,
terms, etc.

SECTION 14. Said town shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years.

Powers vested
in water commissioners.

SECTION 15. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such restrictions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Rights and
duties of any
fire district
hereafter es-
tablished.

SECTION 16. Any fire district hereafter established within the town of Westford for the purposes of supplying the inhabitants thereof with water for the extinguishment of fires and for domestic, manufacturing and other purposes, shall have all the rights and privileges herein granted

to, and be subject to all the obligations, duties and liabilities herein imposed upon, said town.

SECTION 17. This act shall take effect upon its passage, but shall become void unless said water company shall have begun to distribute water through its pipes to consumers in said town within three years after the date of its passage.

When to take effect.

Approved March 6, 1907.

AN ACT TO PROVIDE FOR THE ENTRY OF WRITS AND OTHER PROCEDES IN THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT ON THE FOLLOWING DAY WHEN THE FIRST MONDAY OF A MONTH FALLS ON A LEGAL HOLIDAY.

Chap. 176

Be it enacted, etc., as follows:

SECTION 1. When the first Monday of any month falls upon a legal holiday, writs, processes, notices to appear and citations in all actions, suits and other civil proceedings in the supreme judicial court and the superior court, and appeals from police, district and municipal courts and trial justices, and suits upon recognizances and bonds in criminal cases in the superior court, which are returnable or are to be entered upon such first Monday may be returnable or entered upon the following day.

Entry of writs, etc., in the supreme judicial and superior courts in certain cases.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1907.

AN ACT RELATIVE TO THE APPORTIONMENT OF SEWER ASSESSMENTS AND THE PAYMENT OF INTEREST THEREON.

Chap. 177

Be it enacted, etc., as follows:

SECTION 1. Section fifteen of chapter forty-nine of the Revised Laws is hereby amended by inserting after the word "section", in the second line, the words: — or the corresponding provisions of any act hereafter passed, — by inserting after the word "request", in the eighth line, the words: — Said board may also in its discretion, at any time before proceedings for the enforcement of the collection, apportion said assessment into such number of equal parts, not exceeding ten, as the owner shall in said notice request, — and by inserting after the word "interest", in the same line, the words: — on the principal sum the first year and each year thereafter on such balance as remains unpaid, — so as to read as follows: — *Section 15.* If in a city or town which accepts the provisions of this section

R. L. 49, § 15, amended.

Apportionment of sewer assessments.

or the corresponding provisions of any act hereafter passed, or has accepted the corresponding provisions of earlier laws, the owner of land therein, within thirty days after notice of a sewer assessment thereon, or of any charges made for entering or using any public sewer, notifies in writing the assessors to apportion the same, they shall apportion it into such number of equal parts, not exceeding ten, as the owner shall in said notice request. Said board may also in its discretion, at any time before proceedings for the enforcement of the collection, apportion said assessment into such number of equal parts, not exceeding ten, as the owner shall in said notice request. The assessors shall add one of said parts with interest on the principal sum the first year and each year thereafter on such balance as remains unpaid from the date of apportionment to the annual tax of said land for each year next ensuing until all parts have been so added.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1907.

Chap. 178 AN ACT TO PROVIDE FOR A WATER SUPPLY FOR THE WAREHAM FIRE DISTRICT AND THE INHABITANTS OF WAREHAM.

Be it enacted, etc., as follows:

Water supply
for the Ware-
ham Fire
District, etc.

SECTION 1. The Wareham Fire District in the town of Wareham may supply itself and the inhabitants of Wareham with water for extinguishing fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May take and
hold the
waters of
streams or
ponds, etc.

SECTION 2. Said Wareham Fire District for the purposes aforesaid may take by purchase or otherwise, and hold the waters of any stream or streams, ponds or any ground sources of supply, by bored or driven wells, in the town of Wareham, and may also take by purchase or otherwise and hold all rights of way, easements and lands in the town of Wareham necessary for conveying the same to and through said district: *provided*, that said district shall not have the right hereunder to take, except by purchase, any source or sources of supply now held, owned or used by the Onset Water Company. No sources of water supply for domestic purposes shall be taken under this act

Proviso.

without the consent and approval of the state board of health. Said district may construct on the lands thus taken or acquired proper dams, buildings, fixtures and other structures, and may do such other things as may be necessary for providing and maintaining complete and effective water works; and for that purpose may construct wells and reservoirs, and establish pumping works, may construct, lay and maintain aqueducts, conduits, pipes and other works, under and over any land, water courses, railroads, railways and public or other ways, and along any highway or other way in the town of Wareham, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying and maintaining and repairing such aqueducts, conduits, pipes and other works, and for all other purposes of this act, said district may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least possible hindrance to public travel; but all things done upon such ways shall be subject to the direction of the selectmen of the town. The title to all land taken or purchased under the provisions of this act shall vest in said Wareham Fire District, and the land so taken may be managed and improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said district.

May construct
dams, etc.

Title to land
taken to vest in
the district.

SECTION 3. Said Wareham Fire District shall, within ninety days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Plymouth a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Description of
lands, etc., to
be recorded.

SECTION 4. Said Wareham Fire District shall pay all damages to property sustained by any person or corporation by the taking of any water, water source, water right, land, right of way or easement, or by any other thing done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said district as to the amount thereof, may have the damages assessed and determined in the manner provided by law in the case of land taken for highways, on application therefor at any time within one year after

Damages.

the taking of such land or other property, or the doing of other injury under authority of this act. No application for assessment of damages shall be made for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted under authority of this act.

District may
tender any
sum for
damages, etc.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the said district may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed, and if the petitioner does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered in damages from the date of such offer or tender, the Wareham Fire District shall have judgment for its costs after said date, for which execution shall issue; and the petitioner if he recovers damages shall be allowed his costs only to the date of such offer or tender.

Wareham
Fire District
Loan.

SECTION 6. For the purpose of paying all expenses and liabilities incurred under the provisions of this act said district may, when authorized by a two thirds vote of the voters present and voting at a legal meeting held for the purpose, from time to time issue bonds, notes or certificates of debt, signed by the treasurer of the Wareham Fire District and countersigned by the chairman of the water commissioners hereinafter provided for, to be denominated on the face thereof, Wareham Fire District Loan, to an amount not exceeding sixty thousand dollars, payable at periods not exceeding thirty years from the dates of issue, and bearing interest, payable semi-annually, at a rate not exceeding four per cent per annum. Said district may sell such securities at public or private sale, at not less than par, or pledge the same for money borrowed for the purpose of this act, upon such terms and conditions as it may deem proper. Said district shall pay the interest upon the loan as it accrues, and shall provide at the time of authorizing said loan for the payment thereof in such annual proportional payments as will extinguish the same within the time prescribed by this act, the first of such annual

payments to be made at or before the expiration of five years from the date of the first issue of any of the securities authorized by this act; and when a vote to this effect has been passed the amount required thereby shall, without further vote of said district, be raised by taxation in the same manner in which money is raised for town expenses.

SECTION 7. Said district shall raise by taxation annually a sum which with the income derived from the sale of water will be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds, notes or certificates of debt issued by said district, together with such payments on the principal as may be required under the provisions of this act. Said district is further authorized, by a two thirds vote of the voters thereof present and voting at a legal meeting held for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional pipes, appliances and fixtures connected therewith, not exceeding two thousand dollars in any one year.

Payment of
current ex-
penses.

SECTION 8. Whenever a tax is duly voted by said district for the purposes of this act the clerk shall send a certified copy of the vote to the assessors of the town of Wareham, who shall proceed within thirty days to assess the same in the same manner in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner and at the time provided for the collecting of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the same manner as taxes and interest are authorized to be collected by the town: *provided*, that said district at the time of voting to raise the tax shall so determine, and shall also fix a time for the payment thereof.

Collection of
tax assess-
ments, etc.

Proviso.

SECTION 9. Said district may make such contracts with individuals, corporations, the Onset Water Company, the Onset Fire District and the town of Wareham for supplying water as may be agreed upon, and may extend its pipes for that purpose, under the direction of the selectmen of the town of Wareham, through the streets and highways of said town lying outside the corporate limits of said district. Said district may fix and collect rates for the

Contracts,
etc.

use of such water and may discontinue or shut off the water for the non-payment thereof, and for violation of the terms of any contract made in accordance with this section.

Water commissioners,
election,
terms, etc.

SECTION 10. Said Wareham Fire District shall, after its acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners, and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said district may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of said water works except by written order of said commissioners or a majority of them. Said commissioners shall annually make to said district a full report in writing of their doings and expenditures. Said commissioners shall receive such compensation for their services as said district shall determine.

Rules, etc., for
management
of the water
works.

SECTION 11. Said district may also provide rules and regulations for the management of its water works, not inconsistent with this act or with the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Penalty for
corrupting
water, etc.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding six months.

SECTION 13. This act shall take effect upon its acceptance by a two thirds vote of the voters of said district present and voting thereon by ballot at any legal district meeting called for the purpose within three months after the passage of this act; but it shall become void unless the said district shall begin to distribute water through its pipes to consumers in said Wareham Fire District within three years after the date of the acceptance of this act as aforesaid.

When to take effect.

Approved March 8, 1907.

AN ACT RELATIVE TO THE APPROVAL OF BILLS ARISING IN THE MUNICIPAL COURT OF THE CITY OF BOSTON. Chap.179

Be it enacted, etc., as follows:

SECTION 1. Section fifty-six of chapter one hundred and sixty of the Revised Laws is hereby amended by striking out the words "The justices shall meet quarterly, and as much oftener as may be necessary, to", in the first and second lines, and inserting in place thereof the words: — The chief justice, or, in case of his death, illness, absence or incapacity, the senior associate justice, shall, — and by striking out the word "them", in the fifth line, and inserting in place thereof the word: — him, — so as to read as follows: — *Section 56.* The chief justice, or, in case of his death, illness, absence or incapacity, the senior associate justice, shall allow bills of costs, accounts, charges and expenses which arise in said court, and shall certify to the public officer by whom they are payable such amounts as are allowed by him.

R. L. 160, § 56, amended.

Allowance of costs, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1907.

AN ACT TO PROHIBIT THE DISTRIBUTION, DELIVERY AND GIVING AWAY OF HARMFUL OR INJURIOUS MEDICINES, DRUGS AND OTHER ARTICLES. Chap.180

Be it enacted, etc., as follows:

SECTION 1. No person shall distribute, deliver or give away in any public street or highway or from house to house or place to place, any bottle, box, envelope or package containing any liquid, medicine, pill, powder, tablet or other article which is composed of any drug, poison or other ingredient or substance which may be in any way injurious or harmful to any child or other person who may taste, eat, drink or otherwise use the same.

Distribution, etc., of harmful or injurious medicines, etc., prohibited.

Penalty.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine of not less than fifty nor more than one hundred dollars. *Approved March 8, 1907.*

Chap. 181 AN ACT RELATIVE TO THE FORM OF VALUATION LISTS FOR THE
USE OF ASSESSORS IN THE ASSESSMENT OF TAXES.

Be it enacted, etc., as follows:

R. L. 12, § 58,
amended.

SECTION 1. Section fifty-eight of chapter twelve of the Revised Laws is hereby amended by striking out in the form of valuation lists therein contained the columns entitled "Superficial Feet of Wharf" and "Value of Same", and inserting in place thereof one column, entitled: — Total Value of Each Parcel of Real Estate, — so that the headings of the columns of said form shall be as follows: —

Headings of
columns in
form of val-
uation list.

Names and residences of persons assessed (*Give street and number of residence*).

Number of taxable polls.

Total cash tax on polls.

Value of each person's whole stock in trade.

Value of machinery used in manufacturing establishments.

Number of live stock, each kind specified separately.

Value of each kind of live stock.

Value of all other ratable personal estate in one item.

Aggregate of each person's ratable personal estate.

Total tax on personal estate.

Buildings of all kinds, described by naming their uses.

Value of buildings, exclusive of land.

Description, by name or otherwise, of each and every lot of land owned by each person.

Number of acres or feet in each lot of land. $\left\{ \begin{array}{l} \text{Acres} \\ \text{Feet} \end{array} \right.$

Value of same.

Total value of each parcel of real estate.

Aggregate value of real estate.

Total tax on real estate.

Total cash tax on polls, personal and real estate.

SECTION 2. This act shall take effect upon its passage.
Approved March 8, 1907.

AN ACT TO AUTHORIZE THE CITY OF QUINCY TO INCUR INDEBTEDNESS FOR WATER SUPPLY PURPOSES. *Chap.182*

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy, for the purpose of extending its water mains, fixtures, works and service, may from time to time issue bonds, notes or scrip, to be denominated on the face thereof, Quincy Public Water Supply Loan, Act of 1907, to an amount not exceeding two hundred thousand dollars, outside the limit of indebtedness fixed by law for that city and in addition to the amounts heretofore authorized by law to be issued by the city for the same purposes. Such bonds, notes or scrip shall be issued upon the terms and conditions and with the force and effect specified in chapter four hundred and one of the acts of the year eighteen hundred and ninety-one, except that they shall not bear a rate of interest in excess of four per cent per annum.

Quincy Public
Water Supply
Loan, Act of
1907.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1907.

AN ACT TO AUTHORIZE THE STATE BOARD OF HEALTH TO DEFINE WHAT DISEASES ARE TO BE DEEMED DANGEROUS TO THE PUBLIC HEALTH. *Chap.183*

Be it enacted, etc., as follows:

SECTION 1. The state board of health is hereby authorized and directed to define what diseases shall be deemed to be "dangerous to the public health", as the term is used in chapter two hundred and thirteen of the acts of the year nineteen hundred and two.

The state
board of health
to define dis-
eases deemed
dangerous to
public health.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1907.

AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS FOR THE CONSTRUCTION OF SEWERS, BEYOND THE LIMIT FIXED BY LAW. *Chap.184*

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford, for the purpose of constructing sewers and for the purpose of sewage disposal, may incur indebtedness to an amount not exceeding two hundred and fifty thousand dollars, and may issue

New Bedford
Sewer Loan,
Act of 1907.

bonds, notes or scrip therefor, to be denominated on the face thereof, New Bedford Sewer Loan, Act of 1907. Such bonds, notes or scrip shall be signed by the treasurer of the city and countersigned by the mayor. They shall be payable at the expiration of not more than thirty years from the dates of issue, shall bear interest at a rate not exceeding four per cent per annum, and shall not be reckoned in determining the statutory limit of indebtedness of the city. The city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold or pledged for less than their par value.

Proviso.

Payment of
loan.

SECTION 2. The city at the time of authorizing said loan shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such provision has been made the amount required thereby shall without further vote annually be assessed by the assessors of the city, in the same manner in which other taxes are assessed, until the said debt is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1907.

Chap. 185 AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

The city of
New Bedford
may incur
additional in-
debtedness for
school pur-
poses.

SECTION 1. The city of New Bedford, for the purpose of constructing and furnishing three new school buildings and for purchasing the necessary land therefor, and for the purpose of erecting an addition to the school building at Lund's Corner, may incur indebtedness beyond the limit fixed by law to an amount not exceeding two hundred and twenty-five thousand dollars, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such periods, not exceeding twenty years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, payable semi-annually, as the city council shall determine. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

SECTION 2. The city council of said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and thereafter, without further action by the city council, the amount required for such payments shall be assessed by the assessors of said city in each year, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the city is extinguished.

Payment of loan.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1907.

AN ACT TO AUTHORIZE THE PAYMENT OF PENSIONS TO WIDOWS OR CHILDREN OF MEMBERS OF POLICE AND FIRE DEPARTMENTS IN TOWNS.

Chap. 186

Be it enacted, etc., as follows:

SECTION 1. Towns accepting the provisions of this act are hereby authorized to appropriate money to provide for the payment of pensions as hereinafter provided.

Certain towns may appropriate money for the payment of pensions. To whom pensions may be paid.

SECTION 2. The selectmen of any town which accepts this act may pay to the widow of any permanent member of the police department or of any person aiding a police officer in the discharge of his duty by the order or request of such officer or any of the authorities of the town, or to the widow of a fireman in the regularly organized fire department of the town, or of a person doing fire duty at the request or by the order of the authorities of the town, if it has no organized fire department, or of a person performing the duties of a fireman in such town, who has heretofore died or who may hereafter die from injuries received through no fault of his own in the actual performance of his duty, a pension not exceeding three hundred dollars a year so long as such widow remains unmarried, or if there is no widow a pension not exceeding said sum for the benefit of any of the children under sixteen years of age of such deceased person, so long as any such child is under the age of sixteen years, and the selectmen of such town may from time to time determine the amount of such pension within said limits.

SECTION 3. This act shall take effect upon its passage so far as to allow any town to vote upon the question of its acceptance, but it shall not take full effect in any town

When to take effect.

until it has been accepted by a vote of two thirds of the voters of such town present and voting thereon at an annual town meeting.

Approved March 12, 1907.

Chap.187 AN ACT RELATIVE TO JANITORS OF PUBLIC SCHOOLHOUSES IN THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

Appointment,
etc., of
janitors of
schoolhouses.

SECTION 1. Hereafter the school committee of the city of Lawrence shall have full and exclusive authority to appoint and remove the janitors of the public schoolhouses of the city and to direct them in the discharge of their duties, and such janitors shall be under the control of said committee.

Repeal.

SECTION 2. So much of any act as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1907.

Chap.188 AN ACT RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF A PUBLIC WAY FROM LANESBOROUGH TO THE GREYLOCK STATE RESERVATION.

Be it enacted, etc., as follows:

1906, 419, § 1,
amended.

SECTION 1. Section one of chapter four hundred and nineteen of the acts of the year nineteen hundred and six is hereby amended by adding at the end thereof the following:— In the construction and maintenance of said road the county commissioners shall be exempt from the provisions of section twenty-seven of chapter twenty of the Revised Laws.

Exempt from
certain pro-
visions of law.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1907.

Chap.189 AN ACT RELATIVE TO THE SALE OR MORTGAGE OF THE REAL ESTATE OF INCORPORATED AGRICULTURAL SOCIETIES.

Be it enacted, etc., as follows:

R. L. 124, § 6,
amended.

SECTION 1. Section six of chapter one hundred and twenty-four of the Revised Laws is hereby amended by striking out the word "the", in the fourth line, and inserting in place thereof the word:— those,— and by inserting after the word "society", in the fourth line, the words:— who are present and voting,— so as to read as

follows: — *Section 6.* A society which has received or may receive a bounty from the Commonwealth shall not sell or mortgage the whole or any portion of its real estate unless so authorized by a vote of two thirds of those members of such society who are present and voting at a meeting called for the purpose, approved by the state board of agriculture after notice to parties interested and a hearing.

Sale or mortgage of certain property regulated.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1907.

AN ACT TO REGULATE THE SALE OF PURE ALCOHOL BY DRUGGISTS AND APOTHECARIES.

Chap. 190

Be it enacted, etc., as follows:

Section twenty-one of chapter one hundred of the Revised Laws is hereby amended by inserting after the word "apothecaries", in the first line, the words: — having a sixth class license or a certificate of fitness, — and by inserting after the word "purposes", in the second line, the words: — without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six, — so as to read as follows: — *Section 21.* Druggists and apothecaries having a sixth class license or a certificate of fitness, may sell pure alcohol for medicinal, mechanical or chemical purposes without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

R. L. 100, § 21, amended.

Sale of alcohol by druggists and apothecaries, etc.

Approved March 12, 1907.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF BOARDS OF SURVEY IN TOWNS.

Chap. 191

Be it enacted, etc., as follows:

SECTION 1. The selectmen of any town which accepts the provisions of this act shall constitute a board of survey for that town.

Boards of survey in certain towns.

SECTION 2. Any person or corporation desiring to lay out, locate or construct any street or way in any town which accepts the provisions of this act, after the date of such acceptance, shall, before the beginning of such construction, submit to said board of survey suitable plans of such street

Plans of streets and ways to be submitted to the board.

Public
hearing.

or way, to be prepared in accordance with such rules and regulations as the board may prescribe. Upon the receipt of such plans, with a petition for their approval, the board shall give a public hearing thereon, after giving notice of such hearing by publication once a week for two successive weeks in a newspaper published in the town, the last publication to be at least two days before the hearing; and after such hearing the board may alter such plans and may determine where such street or way shall be located, and the width and grades thereof, and shall so designate on said plans. The plans shall then be approved and signed by the board and filed in the office of the clerk of the town, who shall attest thereon the date of the filing.

Plans to be
approved, etc.

Plans showing
locations, etc.

SECTION 3. The board of survey shall from time to time cause to be made under its direction plans of such territory or sections of land in any town which accepts the provisions of this act, as the board may deem advisable, showing thereon the location of such street or ways, whether already laid out or not, as the board shall be of opinion that the present or future interests of the public require or will require in such territory, showing clearly the direction, width and grades of each street or way; and the board may employ such assistants and incur such expense in regard to said plans as it may deem necessary, not exceeding the amount of money appropriated by the town for the purpose. Before making any such plan the board shall give a public hearing as to the location, direction, width and grades of streets or ways in the territory to be shown on the plan, after giving notice of such hearing by publication once a week for two successive weeks in a newspaper published in the town, the last publication to be at least two days before the hearing, and shall, after making any such plan, give a like notice of hearing, and a hearing thereon, and shall keep the plan open to public inspection for one month after the first publication of notice of such hearing. After such hearing and after the alterations deemed necessary by the board have been made in such plan, the plan shall be marked as made under the provisions of this act, shall be signed by the board, and shall then be filed in the office of the clerk of said town, who shall attest thereon the date of such filing.

Public
hearings.

Certain powers
of selectmen
not abridged.

SECTION 4. The powers of the board of selectmen of any town which accepts the provisions of this act in regard

to highways shall not be abridged by this act in any manner, except as provided in this section, and the powers given to them by this act shall be in addition to the powers now possessed by them. After the passage of this act no street or way in such town, shown on any plan filed as aforesaid, shall be laid out, located anew, altered or widened, and no such street or way, whether already or hereafter laid out, shall be constructed by any public authority, except in accordance with the provisions of this act. If any person or corporation shall hereafter open for public travel any private way the location, direction, width and grades of which have not previously been approved in writing by the board of survey in the manner provided for in this act, then neither the town nor any other public authority shall place any public sewer, drain, water pipe or lamp in, or do any public work of any kind on, such private way so opened to public travel contrary to the provisions of this act: *provided, however*, that these provisions shall not prevent the laying of a trunk sewer, water or gas main, if it be required by engineering necessities.

Construction of streets and ways.

Proviso.

SECTION 5. If any building shall hereafter be placed or erected in any town which accepts the provisions of this act within the boundaries of any street or way shown on any plan filed with the town clerk as herein provided, or on land adjacent to any such street or way the grade of which at the time of placing or erecting such building is other than the grade shown on said plan, or on land adjacent to any street or way the plan and profile of which have not been approved by said board of survey, no damages caused to any building so placed or erected, by the construction of such street or way as shown on said plan, or caused to any building so placed or erected, or to the land upon which such building is placed or erected, by the subsequent change of grade of any street or way the plan of which has not been approved by said board of survey, shall be recovered by or paid to the owner of the whole or any part of the estate of which the land upon which said building so placed or erected formed a part at the date of the first publication of notice of hearing as aforesaid.

Erection, etc., of buildings at grades other than those filed, etc.

Damages.

SECTION 6. Any town which accepts the provisions of this act may from time to time appropriate sums of money to be expended by the board of survey for carrying out the

Appropriations.

provisions of this act; but no expenditures shall be made in excess of such appropriations.

Lands may be entered upon, etc.

SECTION 7. Said board of survey, its officers and agents, may, so far as they deem it necessary in carrying out the provisions of this act, enter upon any lands and there make such examinations and surveys and place and maintain such monuments and marks as they may deem necessary; and any person whose property is injured by such entry or by such placing or maintaining, who fails to agree with the town as to the amount of his damages, may have them assessed and determined in the manner provided by law in the case of land taken for the laying out of highways in said town, on application at any time within one year after such entry or after such placing and maintaining.

Taking or condemnation of land.

SECTION 8. This act shall not be construed to authorize any taking or condemnation of land, or to render a town liable for damages of any kind, except for making entries upon land and for placing and maintaining monuments and marks as authorized by section seven, nor to authorize a town to lay out or to construct any way located on any of said plans, until such way has been laid out as a highway under other provisions of law.

When to take effect.

SECTION 9. This act shall take effect upon its passage so far as to authorize the submission of the question of its acceptance to the voters of any town, but it shall not take further effect in any town until it has been accepted by a majority of the voters of such town present and voting thereon either at a special meeting called for the purpose, or at an annual meeting.

Approved March 12, 1907.

*Chap.*192 AN ACT TO AUTHORIZE THE CITY OF LYNN TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

Lynn School Loan, Act of 1907.

SECTION 1. For the purpose of purchasing land and erecting thereon a building for the use of the classical high school of the city of Lynn, said city may incur indebtedness to the amount of one hundred and fifty thousand dollars in excess of the debt limit fixed by law, and may from time to time issue bonds, notes or scrip therefor, payable at a period not exceeding twenty years from the date of issue. Such bonds, notes or scrip shall be signed by the mayor and countersigned by the treasurer of the city, shall

be denominated on the face thereof, Lynn School Loan, Act of 1907, and shall bear interest at a rate not exceeding four per cent per annum.

SECTION 2. Said city shall, at the time of making the said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and shall also raise annually by taxation a sum which will be sufficient to pay the interest on the same as it accrues.

Payment of loan.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1907.

AN ACT RELATIVE TO THE WEEKLY PAYMENT OF WAGES BY CITIES, COUNTIES AND OTHER EMPLOYERS.

Chap. 193

Be it enacted, etc., as follows:

SECTION 1. Section sixty-two of chapter one hundred and six of the Revised Laws, as amended by chapter four hundred and fifty of the acts of the year nineteen hundred and two, and by chapter four hundred and twenty-seven of the acts of the year nineteen hundred and six, is hereby further amended by inserting after the word "business", in the eighteenth line, the words: — the wages or salary earned by him, — so as to read as follows: — *Section 62.* Every manufacturing, mining or quarrying, mercantile, railroad, street railway, telegraph or telephone corporation, every incorporated express company or water company, and every contractor, person or partnership engaged in any manufacturing business, in any of the building trades, in quarries or mines, upon public works or in the construction or repair of railroads, street railways, roads, bridges or sewers or of gas, water or electric light works, pipes or lines, shall pay weekly each employee engaged in his or its business the wages earned by him to within six days of the date of said payment, but any employee leaving his or her employment, or being discharged from such employment, shall be paid in full on the following regular pay day; and the Commonwealth, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every county and city shall so pay every employee who is engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writ-

R. L. 106, § 62, etc., amended.

Weekly payment of wages, etc.

ing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee of a co-operative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. The board of railroad commissioners, after a hearing, may exempt any railroad corporation from paying weekly any of its employees if it appears to the board that such employees prefer less frequent payments, and that their interests and the interests of the public will not suffer thereby. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this and the following section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1907.

Chap.194 AN ACT TO CHANGE THE NAME OF THE WORCESTER COUNTY TRUANT SCHOOL TO THE WORCESTER COUNTY TRAINING SCHOOL.

Be it enacted, etc., as follows:

Name
changed.

SECTION 1. The Worcester County Truant School at West Boylston, shall hereafter be called the Worcester County Training School.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1907.

Chap.195 AN ACT TO PROVIDE FOR SECURING THE ATTENDANCE AT COURT OF PARENTS AND OTHERS IN CASES OF JUVENILE OFFENDERS AND OTHER MINORS.

Be it enacted, etc., as follows:

The court,
etc., may
summon the
parent or
guardian of a
minor child
in certain
cases.

SECTION 1. If, at any time during the pendency of any case before any court or magistrate against a child under seventeen years of age, whether it be pending adjudication or during continuances or probation, or after the case has been taken from the files, the court or magistrate desires

the presence of any parent or guardian of said child, or any person with whom said child resides, the court or magistrate may summon such parent, guardian or person, in the manner provided in section four of chapter four hundred and thirteen of the acts of the year nineteen hundred and six.

SECTION 2. If any person to whom a summons is issued under the preceding section or under section four of said chapter four hundred and thirteen, or under section one of chapter three hundred and thirty-four of the acts of the year nineteen hundred and three, fails to appear in response to such summons, the court or magistrate which issued the summons may issue a *capias* to compel the attendance of such person, and such *capias* shall be issued and served in the same manner as a *capias* to compel the attendance of witnesses who have failed to appear on a subpoena issued in behalf of the Commonwealth in a criminal case.

Capias may be issued to compel attendance.

Approved March 12, 1907.

AN ACT RELATIVE TO THE MAINTENANCE OF HIGHWAYS BY NEIGHBORING CITIES OR TOWNS.

Chap. 196

Be it enacted, etc., as follows:

SECTION 1. In cases where a highway runs through two or more cities or towns it shall be lawful for such cities or towns to appropriate money for the construction, repair or improvement of such highway in common, the money to be expended by such persons and in such manner as the cities or towns concerned shall agree.

Maintenance of highways running through two or more cities or towns.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1907.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND SIX.

Chap. 197

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the following purposes, to wit: —

Appropriations.

For expenses in connection with the extermination of contagious diseases among horses, cattle and other animals,

Extermination of contagious diseases among cattle, etc.

the sum of eighty-four hundred thirty-two dollars and sixty cents.

Collection of
certain
statistics.

For printing in connection with the collection of statistics of agriculture by the bureau of statistics of labor, the sum of five hundred ninety-nine dollars and forty-seven cents.

State board of
health.

For general expenses of the state board of health, the sum of six hundred two dollars and twenty cents.

Transportation
of militia
officers, etc.

For transportation of officers and men of the volunteer militia, the sum of thirteen hundred one dollars and twenty-two cents.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1907.

Chap.198 AN ACT TO REQUIRE NON-RESIDENT HUNTERS TO PROCURE LICENSES TO HUNT.

Be it enacted, etc., as follows:

Non-residents
prohibited
from hunting
without a
license, etc.

SECTION 1. If any person, not a bona fide resident of this Commonwealth and actually domiciled therein for a period of six months, shall hunt, pursue or kill, within the limits of this Commonwealth, any wild animal, wild fowl or bird without having first procured of the commissioners on fisheries and game a license to so hunt, pursue or kill, as hereinafter provided, he shall be fined, for each offence, a sum not exceeding fifty dollars, or be imprisoned for a term not exceeding thirty days, or shall suffer both such fine and imprisonment; and the same penalties shall be imposed upon any such person who shall be convicted of so hunting, pursuing or killing such wild animal, wild fowl or bird on a license which has been issued in the name of another person.

Certain non-
residents not
prohibited.

SECTION 2. For the purposes of this act, any resident of another state who owns real estate situated within this Commonwealth which is assessed for taxation at a value of not less than five hundred dollars shall have the right to hunt without a license.

Issue of
licenses.

SECTION 3. The commissioners on fisheries and game may, upon application therefor, issue a license to a non-resident which shall entitle such person to the privileges enjoyed by residents of this Commonwealth as to the hunting and killing of all wild animals, wild fowl or birds. Such license shall be recorded in detail in books kept for

that purpose, shall not be transferable nor available to any person other than the one named therein, shall be valid and in force only during the calendar year in which it is issued and dated, and shall entitle the licensee to hunt and kill only during the respective periods of the year when it is lawful for residents to so hunt and kill. Such license shall state the name, age, color of hair and eyes, and residence of the applicant.

SECTION 4. No license shall be valid unless the signature of the person to whom it is issued is written thereon, and every such person shall at all times when hunting carry his license on his person, and shall at all reasonable times and as often as requested produce and show such license to any person requesting him so to do, and if he fails or refuses so to do he shall forfeit the license and be deemed to be hunting in violation of the provisions of this act.

Validity of
license, etc.

SECTION 5. Each non-resident hunting license shall entitle the licensee to carry from the Commonwealth not more than six wild fowl or birds of all kinds, the exportation of which is prohibited by law, in any one calendar year: *provided*, that the owner thereof shall carry them open to view for inspection, shall present his license for inspection upon demand, and shall have informed, by letter or otherwise, the commissioner who issued the license as to the number and kinds of wild fowl or birds which he intends to carry from the Commonwealth. Whoever violates any provision of this section shall be fined not more than fifty dollars, or be imprisoned for not more than thirty days, or shall suffer both such fine and imprisonment.

License to en-
title holder to
carry game
from the Com-
monwealth.

Proviso.

SECTION 6. The commissioners on fisheries and game, and the detectives in their employ, shall have the right, after demand and refusal or failure to exhibit any such license, to arrest without warrant any non-resident person or persons found hunting, pursuing or killing any wild animal, wild fowl or bird, and for the purpose of this arrest any person who shall refuse to state his name and place of residence on demand of such officer shall be deemed a non-resident.

Powers of
commissioners
on fisheries
and game, etc.

SECTION 7. The fee for the license aforesaid shall be ten dollars, except as hereinafter provided, and the money so received by the said commissioners shall be turned over

Fees.

to the treasurer and receiver general. The fee for said license shall be one dollar to any non-resident member of any club, organization or association incorporated at the time of the passage of this act for the purposes of hunting or fishing, if such club, organization or association owns real estate in this Commonwealth which is assessed therein for taxation at a valuation of not less than one thousand dollars.

Approved March 13, 1907.

Chap.199 AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

City of Fitch-
burg Water
Loan, 1907.

SECTION 1. The city of Fitchburg, for the purposes mentioned in chapter sixty of the acts of the year eighteen hundred and ninety-two, may issue from time to time notes, bonds or scrip, to be denominated on the face thereof, City of Fitchburg Water Loan, 1907, to an amount not exceeding one hundred and fifty thousand dollars in addition to the amounts heretofore authorized to be issued for the same purposes. Said notes, bonds or scrip shall bear interest payable semi-annually at a rate not exceeding four per cent per annum and shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1907.

Chap.200 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE
SOUTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

South metro-
politan system
of sewage
disposal.

SECTION 1. A sum not exceeding one hundred thousand five hundred dollars is hereby appropriated, to be paid out of the South Metropolitan System Maintenance Fund, for the cost of maintenance and operation of the south metropolitan system of sewage disposal, comprising a part of Boston, the cities of Newton and Waltham, and the towns of Brookline, Watertown, Dedham, Hyde Park and Milton, during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1907.

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE
NORTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL.

Chap.201

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding one hundred and forty-three thousand dollars is hereby appropriated, to be paid out of the North Metropolitan System Maintenance Fund, for the maintenance and operation of the system of sewage disposal for the cities and towns included in what is known as the north metropolitan system, during the fiscal year ending on the thirtieth day of November, nineteen hundred and seven.

North metro-
politan system
of sewage
disposal.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1907.

AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO INCUR
ADDITIONAL INDEBTEDNESS FOR SEWERAGE PURPOSES.

Chap.202

Be it enacted, etc., as follows:

SECTION 1. The amount of money which the city of Pittsfield was authorized by chapter three hundred and fifty-seven of the acts of the year eighteen hundred and ninety, as amended by chapter three hundred and twelve of the acts of the year nineteen hundred and one, and by chapter one hundred and thirty of the acts of the year nineteen hundred and three, to borrow for sewerage purposes is hereby increased to seven hundred thousand dollars instead of six hundred thousand dollars, but the additional loan hereby provided for shall be payable within thirty years of the date of issue thereof, and shall bear interest at a rate not exceeding four per cent per annum. Except as otherwise provided herein the provisions of the chapters aforesaid shall apply to the additional loan hereby authorized.

City of
Pittsfield may
incur addi-
tional in-
debtedness for
sewerage
purposes.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1907.

AN ACT RELATIVE TO THE USE OF AUTOMOBILES AND MOTOR
VEHICLES ON CERTAIN PUBLIC AND PRIVATE WAYS.

Chap.203

Be it enacted, etc., as follows:

Any person who operates an automobile or motor vehicle, and any owner of an automobile who permits such machine

Use of
automobiles,
etc., on public

and private
ways.

to be operated in or over any highway or private way laid out under authority of law or otherwise, from which automobiles or motor vehicles are excluded, provided notice of such exclusion is conspicuously posted at the entrance to such way, shall be liable to any or all of the provisions and penalties provided in section nine of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three, as amended by section three of chapter four hundred and twelve of the acts of the year nineteen hundred and six, for violation of the laws regulating the use of automobiles and the conduct of operators thereof.

Approved March 14, 1907.

Chap.204 AN ACT TO AUTHORIZE THE PERFORMANCE OF CERTAIN ACTS ON THE NEXT SECULAR OR BUSINESS DAY SUCCEEDING SUNDAY OR A LEGAL HOLIDAY.

Be it enacted, etc., as follows:

Performance of
certain acts on
the day
succeeding
Sunday or a
holiday.

SECTION 1. When the day, or the last day, for the performance of any act, including the making of any payment or tender of payment, authorized or required by statute or by contract falls on Sunday or on a legal holiday, the act may be performed on the next succeeding secular or business day, unless it is specifically authorized or required to be performed on Sunday or on a legal holiday.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1907.

Chap.205 AN ACT TO AMEND THE CHARTER OF THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

1883, 250, § 2,
amended.

Administration
of affairs in
the city of
Northampton.

SECTION 1. Chapter two hundred and fifty of the acts of the year eighteen hundred and eighty-three, being "An Act to establish the city of Northampton", is hereby amended by striking out section two and inserting in place thereof the following: — *Section 2.* The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in an officer to be called the mayor, and a council of twenty-one to be called the board of aldermen, and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of said board shall constitute a quorum for the transaction of business, and no mem-

ber of the board shall receive any compensation for his services.

SECTION 2. Said chapter two hundred and fifty is hereby further amended by striking out section seven and inserting in place thereof the following: — *Section 7.* The board of aldermen shall be composed of twenty-one members, who shall be elected as follows: — At the first municipal election held under this act there shall be elected from each ward by the qualified voters thereof, voting in their respective wards, three members of the board of aldermen to serve for the term of one year, said term beginning with the first Monday of January next ensuing, and thereafter three members of the board of aldermen from each ward shall be elected by the qualified voters thereof, voting in their respective wards, at each annual municipal election to serve for the term of one year beginning with the first Monday of January then next ensuing. An alderman, at the time of his election as such, shall be a legal resident of the ward for which he is elected, and if he shall remove to another ward of said city subsequent to his election he shall nevertheless continue as such alderman until the beginning of the municipal year which immediately follows the annual election next after the time of such removal. The election of a member of the board of aldermen to the office of mayor shall vacate his membership of said board.

1883, 250, § 7,
amended.

Board of
aldermen,
election,
term, etc.

SECTION 3. Said chapter two hundred and fifty is hereby further amended by striking out section eight and inserting in place thereof the following: — *Section 8.* All power and authority vested by law and by this act in the city council, common council, common councilmen, aldermen and common councilmen, board of aldermen and of the common council of the city of Northampton are hereby transferred to and vested in the board of aldermen of the city of Northampton, and all sections or parts of sections in said charter inconsistent herewith, in so far as they are inconsistent, are hereby repealed.

1883, 250, § 8,
amended.

Certain powers
and authority
transferred to
the board of
aldermen.

SECTION 4. Any ordinance, order, resolution or vote involving the appropriation or expenditure of money, except the annual appropriations, to an amount which shall exceed two hundred dollars, the laying of an assessment or the granting of a franchise to any person or corporation, shall require for its passage the affirmative votes of a majority of all the members of the board of aldermen, and

Expenditures,
etc.

Proviso.

every such ordinance, order, resolution or vote shall be read twice, with an interval of at least two days between the two readings, before being finally passed, and the vote on its final passage shall be taken by roll call: *provided, however,* that upon the written recommendation of the mayor the board of aldermen may pass such ordinance, order, resolution or vote at the same meeting or on the same day by an affirmative vote of at least seventeen members taken by roll call.

City to vote on the question of acceptance.

SECTION 5. This act shall be submitted to the qualified voters of the city of Northampton for acceptance at the annual state election for the year nineteen hundred and seven. The vote shall be taken by ballot in answer to the following question: Shall an act passed by the general court in the year nineteen hundred and seven entitled "An Act to amend the charter of the city of North-

YES.	
NO.	

When to take effect.

SECTION 6. So much of this act as authorizes and directs the submission of the question of its acceptance to the qualified voters of said city shall take effect upon its passage. So much hereof as relates to elections hereunder shall apply to the annual municipal election to be held on the first Tuesday of December in the year nineteen hundred and seven, or at the first annual municipal election after its acceptance if the larger number of votes upon the question of its acceptance is in the affirmative; and if so accepted this act shall take full effect on the first Monday in January next ensuing after the first election hereunder.

Approved March 14, 1907.

Chap. 206 AN ACT TO PROVIDE FOR ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows:

R. L. 164, § 29, amended.

Section twenty-nine of chapter one hundred and sixty-four of the Revised Laws is hereby amended by striking out the word "six", in the eleventh line, and inserting in place thereof the word:—twelve,—so that the part of said section, as amended, relating to the county of Hampden will read as follows:—Of Hampden, twelve hundred dollars, payable by the Commonwealth upon the certificate of the register, countersigned by the judge of probate and insolvency.

County of Hampden, clerical assistance.

Approved March 14, 1907.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF BARNSTABLE. *Chap.207*

Be it enacted, etc., as follows:

SECTION 1. The judge of probate and insolvency for the county of Barnstable may appoint an assistant register of probate and insolvency for said county, who may be a woman, and who shall hold office for three years unless sooner removed by the judge. Said assistant register shall receive an annual salary of five hundred and fifty dollars, to be paid from the treasury of the Commonwealth, and shall be subject to the provisions of the Revised Laws and of all acts in amendment thereof or in addition thereto relative to assistant registers of probate and insolvency.

Assistant register of probate, county of Barnstable, appointment, etc.

SECTION 2. The provisions of section twenty-eight of chapter one hundred and sixty-four of the Revised Laws shall not apply to the county of Barnstable, so long as a salary is paid to an assistant register therein.

Certain provisions of law not to apply.

SECTION 3. This act shall take effect upon its passage.

Approved March 14, 1907.

AN ACT TO INCREASE THE ANNUAL APPROPRIATION FOR THE ENFORCEMENT BY THE STATE BOARD OF HEALTH OF THE LAWS RELATIVE TO ADULTERATED FOOD AND DRUGS. *Chap.208*

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter seventy-five of the Revised Laws, as amended by chapter four hundred and sixty-seven of the acts of the year nineteen hundred and three, is hereby further amended by striking out the word "twelve", in the third line, and inserting in place thereof the word:—fourteen,—so as to read as follows:—*Section 6.* The state board of health may annually expend not more than fourteen thousand five hundred dollars for the enforcement of the provisions of sections sixteen to twenty-seven, inclusive; but not less than three fifths of said amount shall be annually expended for the enforcement of the laws against the adulteration of milk and milk products.

R. L. 75, § 6, etc., amended.

Annual expenditure by the state board of health, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1907.

Chap. 209 AN ACT RELATIVE TO THE ENLARGEMENT OF THE COURT HOUSE IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

1906, 534, § 2,
amended.

Plans for enlargement of the Suffolk county court house.

SECTION 1. Chapter five hundred and thirty-four of the acts of the year nineteen hundred and six is hereby amended by striking out section two and inserting in place thereof the following: — *Section 2.* Said commission, acting in behalf of the Commonwealth, shall employ an architect or architects, and cause to be prepared plans for additional court room accommodations for the county of Suffolk, including accommodations for the land court, and additional accommodations for clerks of the courts, the registry of deeds, the registry of probate, the social law library, and other officers or departments having rooms in the present court house building, by adding a story or stories to the present structure, and by making such other alterations and additions in and to the same as will be sufficient for the needs of the courts and for the prompt despatch of the business carried on in said court house. After the approval of said plans by the commissioners, the chief justice of the supreme judicial court, the chief justice of the superior court, the chief justice of the municipal court of the city of Boston, and the mayor of the city of Boston, or by a majority of all said persons, the commissioners shall, on behalf of the Commonwealth, contract for constructing, completing and furnishing the said alterations and additions. But no such contract shall be entered into until it has been approved by the governor, the chief justice of the supreme judicial court and the mayor of the city of Boston, or by a majority of them. The said work of construction shall be begun as soon as practicable and shall be completed within a time to be limited in the contract.

1906, 534, § 3,
amended.

Treasurer and receiver general may issue bonds, etc.

SECTION 2. Section three of said chapter is hereby amended by inserting after the word "stories", in the seventh line, the words: — and of alterations in and additions to the present building, — so as to read as follows: — *Section 3.* For the purpose of carrying out the provisions of this act the treasurer and receiver general of the Commonwealth is hereby authorized and required to issue in the name and behalf of the Commonwealth, bonds, notes or scrip sufficient in amount to defray the cost of the

work herein authorized. The total expense of additional stories, and of alterations in and additions to the present building, shall not exceed the sum of eight hundred thousand dollars. The said bonds, notes or scrip shall be issued and sold at such times, in such amounts and upon such terms and shall be made payable in such periods, not exceeding thirty years, as the governor and council shall approve.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1907.

AN ACT TO AUTHORIZE THE CITY OF WALTHAM TO MAKE
AN ADDITIONAL WATER LOAN.

Chap. 210

Be it enacted, etc., as follows:

SECTION 1. The city of Waltham, for the purposes specified in chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two, being "An Act to supply the town of Waltham with water", may from time to time incur indebtedness, in addition to the amount already allowed by law, to an amount not exceeding fifty thousand dollars, and may issue notes or bonds therefor. Such notes or bonds shall be signed by the treasurer and countersigned by the mayor and city auditor of the said city, shall be denominated on the face thereof, Waltham Water Loan, Act of 1907, shall bear interest at a rate not exceeding four per cent per annum, and shall be payable within a period of thirty years from the date thereof.

Waltham
Water Loan,
Act of 1907.

SECTION 2. The said city at the time of making the loan hereby authorized shall establish a sinking fund for the payment of the same, and shall provide for such yearly payments thereto as will be sufficient, with the interest thereon, to pay the debt at maturity; or the city may provide for the payment of the debt in annual payments to be taken from the earnings of the water department, and, in case the earnings are not sufficient in any year, the deficiency shall be raised by taxation, and shall be assessed in the same manner in which other taxes are assessed, until the debt is paid.

Payment of
loan.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1907.

Chap.211 AN ACT RELATIVE TO THE RECORDS TO BE KEPT BY PAWN-BROKERS.

Be it enacted, etc., as follows:

R. L. 102, § 42,
amended.

Accounts,
etc., of
pledges, etc.,
of pawn-
brokers.

SECTION 1. Section forty-two of chapter one hundred and two of the Revised Laws is hereby amended by striking out the word "such", in the first line, by inserting after the word "description", in the third line, the words: — including all distinguishing marks and numbers, — and by adding at the end of said section the words: — and shall furnish a correct record of such transactions containing all such information once a week, or oftener if required, to the licensing board or to any person designated by said board, — so as to read as follows: — *Section 42.* Every pawnbroker shall keep a book in which, at the time of making such loan, shall be legibly written in the English language, an account and description, including all distinguishing marks and numbers, of the goods, articles or things pawned or pledged, the amount of money loaned thereon, the time of pledging them, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging such goods, articles or things, and shall furnish a correct record of such transactions containing all such information once a week, or oftener if required, to the licensing board or to any person designated by said board.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1907.

Chap.212 AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE PROPERTY FOR A POLICE STATION.

Be it enacted, etc., as follows:

City of Salem
may take cer-
tain property,
etc., for a
police station.

SECTION 1. The city of Salem, for the purpose of providing a police station and lockup, may take, by purchase or otherwise, all the property, right, ownership or interest belonging to any other person or corporation than said city in and to any and all the land described in a certain indenture between Benjamin Pickman, Junior, and John Derby of the one part, and the inhabitants of the town of Salem of the other part, dated July ten, in the year eighteen hundred and sixteen, and recorded in the Essex registry of deeds, book 211, leaf 1, and in and to all buildings

and improvements thereon, including all rights, whether of reversion, entry for condition broken, or other right, ownership or property whatsoever, reserved or retained by said Benjamin Pickman, Junior, and John Derby in, to or for themselves, their heirs and assigns, or any other person or persons in and to said land, and all the rights and interests of any and all persons except said city under and by virtue of said indenture in and to said land; and said city, after it shall have so made such purchase or taking, may make such changes or alterations in the building known as the market house and town hall, situate on Derby square, in said city, as it may deem necessary in order to adapt it for use for said purpose, or said city may at any time remove said building in whole or in part and erect upon its site a building to be used for the purpose aforesaid, and said city shall not thereafter be required to use the buildings on said land for the purposes stated in said indenture. Said city may make any changes or alterations in any part of said land and the other buildings thereon which it may deem best in order to use the same to the best advantage in connection with said police station and lockup. Said city, in changing or altering said market house and town hall, or in erecting a building upon the site thereof for said purpose, may provide rooms and accommodations therein for the use of the first district court of Essex, provided terms for the rental of the same, mutually satisfactory to said city and the county commissioners of said county, shall be agreed upon.

Changes or alterations may be made.

SECTION 2. Within sixty days after the taking hereunder of any land, rights or interests therein, otherwise than by purchase, the city council shall cause to be recorded in the registry of deeds for the southern district of the county of Essex, a description thereof, sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor of the city; and upon such recording, the land, rights and interests so described shall vest in said city. Upon the recording in the registry of deeds for said county of the description and statement required by this section, the city clerk of said city shall publish a notice thereof once each week for three successive weeks in some newspaper published in said Salem, and shall also send by registered letter, postage prepaid, a copy of said

Description of taking to be recorded.

notice to each person interested whose address is known to him. Said city clerk shall, within three months after the recording of said description and statement, cause a copy of the notice published and mailed by him and his affidavit stating his acts to be recorded in the registry of deeds for said county of Essex, and such affidavit, or a certified copy thereof, shall be evidence that the publication and notice herein required were duly given.

Damages.

SECTION 3. Said city shall pay all damages sustained by any person or corporation by the taking of any land, rights or interests aforesaid under the authority of this act. Any person or corporation thus sustaining damage, who fails to agree with said city as to the amount thereof, may have the same determined by a jury in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within three years from the taking of such land, rights or interest under the authority of this act.

SECTION 4. This act shall take effect upon its passage.

Approved March 16, 1907.

Chap. 213 AN ACT RELATIVE TO THE REGISTRATION OF TEACHERS WITH THE STATE BOARD OF EDUCATION.

Be it enacted, etc., as follows:

1906, 399, § 1,
amended.

Section one of chapter three hundred and ninety-nine of the acts of the year nineteen hundred and six is hereby amended by striking out the words "on payment of a fee of two dollars", in the second and third lines, so as to read as follows: — *Section 1.* Any person desiring to teach in the public schools of this Commonwealth may file with the state board of education an application in writing stating the kind and grade of the school desired and the experience and training of the applicant, and may file with such application any evidence of the applicant's character and qualifications.

Approved March 16, 1907.

Chap. 214 AN ACT RELATIVE TO THE JURISDICTION OF THE LICENSING BOARD FOR THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1906, 291, § 4,
amended.

SECTION 1. Section four of chapter two hundred and ninety-one of the acts of the year nineteen hundred and six is hereby amended by striking out the word "tables",

in the fourteenth line, and inserting in place thereof the words: — pool or sippio tables, and all other tables of like character used for hire, gain or reward, — so as to read as follows: — *Section 4.* Except as otherwise provided herein, said board shall exclusively exercise in said city all the powers and perform all the duties conferred or imposed upon the board of police of the city of Boston, and upon licensing boards by sections ten to ninety, both inclusive, of chapter one hundred of the Revised Laws and amendments thereof, relative to intoxicating liquors, and by chapter one hundred and two of the Revised Laws and amendments thereof, relative to innholders and common victuallers.

Powers and duties of the licensing board.

Said board shall also exercise, except as otherwise herein provided, all the powers and perform all the duties now conferred or imposed by law upon the board of police of the city of Boston, relative to the licensing of picnic groves, skating rinks, intelligence offices, billiard, pool or sippio tables, and all other tables of like character used for hire, gain or reward, and bowling alleys.

All licenses issued by said board shall be signed by a majority of the members thereof and shall be recorded in the office of said board, and all fees for said licenses shall be paid into the treasury of said city.

Licenses, fees, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1907.

AN ACT RELATIVE TO CERTIFICATES OF EXEMPTION FROM VACCINATION OF CHILDREN ATTENDING PUBLIC SCHOOLS.

Chap. 215

Be it enacted, etc., as follows:

Section six of chapter forty-four of the Revised Laws, as amended by chapter three hundred and seventy-one of the acts of the year nineteen hundred and six, is hereby further amended by inserting after the word "certificate", in the third line, the words: — granted for cause stated therein, — so as to read as follows: — *Section 6.* A child who has not been vaccinated shall not be admitted to a public school except upon presentation of a certificate granted for cause stated therein, signed by a regular practising physician that he is not a fit subject for vaccination. A child who is a member of a household in which a person is ill with smallpox, diphtheria, scarlet fever, measles, or

R. L. 44, § 6, etc., amended.

Vaccination of school children, etc.

any other infectious or contagious disease, or of a household exposed to such contagion from another household as aforesaid, shall not attend any public school during such illness until the teacher of the school has been furnished with a certificate from the board of health of the city or town, or from the attending physician of such person, stating that danger of conveying such disease by such child has passed.

Approved March 16, 1907.

Chap.216

AN ACT TO ESTABLISH A STANDARD FOR CREAM.

Be it enacted, etc., as follows:

Standard for
cream, etc.

Whoever, himself or by his agent, or as the servant or agent of another person, sells, exposes for sale, or has in his custody or possession with intent to sell, cream containing less than fifteen per cent milk fat shall for a first offense be punished by a fine of not more than fifty dollars; for a second offense by a fine of not less than fifty nor more than one hundred dollars; and for a subsequent offense by a fine of not less than one hundred nor more than two hundred dollars.

Approved March 16, 1907.

Chap.217

AN ACT TO INCORPORATE THE HIBERNIA SAVINGS BANK.

Be it enacted, etc., as follows:

Hibernia
Savings Bank
incorporated.

SECTION 1. John W. Horne, Walter J. Donovan, Michael J. Collins and John J. Cadigan, their associates and successors, are hereby made a corporation by the name of the Hibernia Savings Bank, with authority to establish and maintain a savings bank in the city of Boston; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1907.

Chap.218

AN ACT TO AUTHORIZE THE SHELBURNE FALLS AND COLRAIN STREET RAILWAY COMPANY TO EXTEND ITS RAILWAY INTO THE TOWN OF BUCKLAND.

Be it enacted, etc., as follows:

The Shelburne
Falls and Col-
rain Street
Railway

SECTION 1. The Shelburne Falls and Colrain Street Railway Company may locate, construct, maintain and op-

erate its railway in such manner as may be convenient and necessary across the Deerfield river at Shelburne Falls in the town of Shelburne, and upon private land and upon streets, highways and state roads in the town of Buckland, subject to all general laws pertaining thereto.

Company may extend its railway.

SECTION 2. The authority granted to said Shelburne Falls and Colrain Street Railway Company by chapter seventy-nine of the acts of the year eighteen hundred and ninety-six, so far as relates to the location, construction and maintenance of its railway in the town of Buckland, as it existed prior to the fifteenth day of February in the year nineteen hundred and one, is hereby revived, and all the rights and privileges possessed by said company in said Buckland prior to said date are restored and continued as though they had never ceased.

Certain authority revived, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1907.

AN ACT RELATIVE TO TRANSFERS OF PROPERTY BY GUARDIANS OF NON-RESIDENT WARDS.

Chap. 219

Be it enacted, etc., as follows:

SECTION 1. Section twenty-five of chapter one hundred and forty-six of the Revised Laws is hereby amended by inserting after the word "proceeds", in the fourth line, the words:— of such sale,— by striking out the word "and", in the same line, and inserting in place thereof the word:— or,— by striking out the word "or", in the fifth line, and by inserting after the word "committee", in the same line, the words:— or other official,— so as to read as follows:— *Section 25.* A guardian appointed within the Commonwealth, whose ward removes from or resides out of this Commonwealth, may sell the real property of his ward, and transfer and pay over the whole or any part of the proceeds of such sale, or the whole or any part of the ward's personal property to a guardian, trustee, committee or other official appointed by competent authority in the state or country in which the ward resides, upon such terms and in such manner as the probate court by which he was appointed may, after notice to all parties interested, decree upon petition filed therefor.

R. L. 146, § 25, amended.

Transfer of property of non-resident ward, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1907.

Chap.220 AN ACT TO RATIFY THE LOCATIONS OF STREETS AND WAYS LAID OUT BY MUNICIPAL AUTHORITY OF THE TOWN OF HUDSON.

Be it enacted, etc., as follows:

Location of streets and ways in Hudson legalized, etc.

SECTION 1. The location and laying out of all streets and ways heretofore laid out by municipal authority of the town of Hudson are hereby legalized and confirmed, notwithstanding any failure to file a description and plan thereof for record in the registry of deeds for the county or district in which the land lies, as is required by section ninety-seven of chapter forty-eight of the Revised Laws.

Proceedings pending not affected.

SECTION 2. This act shall take effect upon its passage, but shall not affect any suit or other proceeding at law now pending.

Approved March 20, 1907.

Chap.221 AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION TO MAINTAIN THAT PART OF THE LOWER DAM IN WATERTOWN ACROSS CHARLES RIVER WHICH IS WITHIN THE CARE AND CONTROL OF SAID COMMISSION, AND TO MAKE AGREEMENTS RELATIVE TO THE MAINTENANCE OF SAID DAM AND TO THE USE OF THE WATER, WATER RIGHTS AND WATER POWER CONNECTED THEREWITH.

Be it enacted, etc., as follows:

The metropolitan park commission to maintain part of the dam across Charles river in Watertown, etc.

SECTION 1. The metropolitan park commission, constituted under chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, is hereby authorized to maintain at its present height that part of the lower dam across Charles river in Watertown lying upon land of said Commonwealth acquired through said commission. For all purposes consistent with the powers and duties granted to and imposed upon said commission by said chapter and acts in amendment thereof and in addition thereto, said commission is also authorized to make agreements with any person or corporation in regard to the repair, reconstruction or maintenance of said dam, and relative to the use and disposition of the water, water rights, and water power of the Commonwealth connected therewith.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1907.

AN ACT RELATIVE TO THE ADMISSION OF PERSONS TO THE MASSACHUSETTS STATE SANATORIUM. *Chap.222*

Be it enacted, etc., as follows:

SECTION 1. In the admission of persons to the Massachusetts state sanatorium preference shall be given to those applicants who are citizens of the Commonwealth. Admission of persons to the Massachusetts state sanatorium.

SECTION 2. It shall be the duty of the state board of charity to see that this law is enforced. Enforcement of the law.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1907.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL PROBATION OFFICER FOR THE CENTRAL DISTRICT COURT OF WORCESTER. *Chap.223*

Be it enacted, etc., as follows:

The justice of the central district court of Worcester may appoint a probation officer for wayward and delinquent children and fix his salary, subject to the approval of the county commissioners of the county of Worcester. Said probation officer shall hold office during the pleasure of the justice of said court, and so far as is practicable, he shall be given jurisdiction over all cases arising under chapter four hundred and thirteen of the acts of the year nineteen hundred and six. Additional probation officer for the central district court of Worcester.

Approved March 20, 1907.

AN ACT RELATIVE TO THE AGE AND SCHOOLING CERTIFICATES REQUIRED FOR MINORS COMMITTED TO THE LYMAN SCHOOL FOR BOYS AND THE STATE INDUSTRIAL SCHOOL FOR GIRLS. *Chap.224*

Be it enacted, etc., as follows:

SECTION 1. Section thirty-one of chapter one hundred and six of the Revised Laws, as amended by chapter four hundred and thirty-two of the acts of the year nineteen hundred and four, and by chapter two hundred and thirteen of the acts of the year nineteen hundred and five, is hereby further amended by adding at the end thereof the following: — The certificate of the superintendent of the Lyman school for boys or of the state industrial school for girls shall be sufficient evidence as to the age and ability to read at sight and to write legibly simple sentences in the English language, of a child who has been an inmate of such school, — so as to read as follows: — *Section 31.* R. L. 106, § 31, etc., amended.

Approval of
age and
schooling
certificates of
minors.

An age or schooling certificate shall not be approved unless satisfactory evidence is furnished by a certificate of birth or baptism of such minor, or by the register of birth of such minor with a city or town clerk, that such minor is of the age stated in the certificate, except that other evidence, under oath, may be accepted in case the superintendent or person authorized by the school committee, as provided in the preceding section, decides that neither the certificate of birth or baptism, nor the register of birth is available for the purpose. The certificate of the superintendent of the Lyman school for boys or of the state industrial school for girls shall be sufficient evidence as to the age and ability to read at sight and to write legibly simple sentences in the English language, of a child who has been an inmate of such school.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1907.

Chap. 225 AN ACT TO PROVIDE FOR THE ATTESTING AND CERTIFYING OF PUBLIC RECORDS, DEEDS, INSTRUMENTS, AND OFFICIAL COPIES IN CERTAIN CASES.

Be it enacted, etc., as follows:

Attestation of
certain
records, etc.

SECTION 1. The records of the registers of deeds and of the registers of probate and insolvency, in the several counties, may be attested by the volume, and it shall be deemed to be a sufficient attestation of such records when each volume thereof bears the attest with the written signature of the register or other person authorized by law to attest such records.

Validity of
facsimile of
signature
of assistant
register.

SECTION 2. A facsimile of the signature of any register of deeds, imprinted by him or by his assistant register upon any original instrument in attestation of the fact that the same has been recorded in his registry, shall have the same validity as his written signature.

Validity of
facsimile of
signature
of the recorder
of the land
court.

SECTION 3. In like manner and with like effect as provided in section two hereof, the recorder of the land court, or such office assistant as he in writing may designate, may imprint a facsimile of his signature on all papers which he is required by law to certify as true copies, except copies of decrees for transcription in a registry of deeds.

SECTION 4. This act shall take effect upon its passage.

Approved March 20, 1907.

AN ACT TO CHANGE THE NAME OF THE MASSACHUSETTS SCHOOL AND HOME FOR CRIPPLED AND DEFORMED CHILDREN TO THE MASSACHUSETTS HOSPITAL SCHOOL. *Chap. 226*

Be it enacted, etc., as follows:

SECTION 1. The name of the Massachusetts School and Home for Crippled and Deformed Children, established by chapter four hundred and forty-six of the acts of the year nineteen hundred and four, and located in the town of Canton, is hereby changed to the Massachusetts Hospital School. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1907.

AN ACT TO AUTHORIZE THE COUNTY OF BARNSTABLE TO BUILD OR RECONSTRUCT A BRIDGE OVER BASS RIVER BETWEEN THE TOWNS OF YARMOUTH AND DENNIS. *Chap. 227*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Barnstable are hereby authorized and directed to build a new bridge or to reconstruct the present bridge over Bass river, so-called, between the towns of Dennis and Yarmouth, with suitable approaches thereto. Said bridge shall have a suitable draw for the passage of vessels, and shall be constructed subject to the provisions of chapter ninety-six of the Revised Laws and of all acts in amendment thereof. Construction, etc., of the bridge over Bass river between Dennis and Yarmouth.

SECTION 2. The cost of constructing or reconstructing the said bridge and the approaches thereto, with all the necessary expenses attending the same, shall be paid in the first instance by the county of Barnstable; and the said county is hereby authorized to borrow upon its notes or other obligations such sum not exceeding twenty thousand dollars as will enable it to comply with the provisions of this act. Payment of cost.

SECTION 3. As soon after the completion of the bridge as the whole amount of the costs and expenses incurred is ascertained, the said commissioners shall apportion upon the county and upon such towns as in their judgment are to be especially benefited by the bridge the said costs and expenses; and the said county and towns are hereby directed to pay the same. Any town so required to contribute may borrow upon its notes or other obligations, such Apportionment of cost, etc.

sum not exceeding its apportionment as it deems necessary to enable it to comply with the provisions of this act.

Liability for
defects in
bridge.

SECTION 4. The towns of Dennis and Yarmouth shall be severally liable for any defects in that portion of the bridge situated within their respective limits, and for none other.

Construction
and main-
tenance.

SECTION 5. The construction and maintenance of the said bridge shall be under the supervision of said county commissioners, and the towns of Dennis and Yarmouth shall severally reimburse the county of Barnstable for one fourth of the annual cost of repairing the said bridge.

SECTION 6. This act shall take effect upon its passage.

Approved March 20, 1907.

Chap.228 AN ACT RELATIVE TO THE SALE OF COAL IN SMALL QUANTITIES.

Be it enacted, etc., as follows:

R. L. 57, § 84,
amended.

SECTION 1. Chapter fifty-seven of the Revised Laws is hereby amended by striking out section eighty-four and inserting in place thereof the following:— *Section 84.* Coal shall be sold by weight, and, except when sold by cargo, two thousand pounds avoirdupois shall be the standard for the ton. Coal, in quantities of less than one hundred pounds, shall be sold in bags or baskets, and shall be kept until delivered in the same bags or baskets in which the goods are weighed, and coal thus sold shall be exempt from the provisions of section eighty-eight of this chapter. Such bags or baskets shall be plainly marked with the name of the person who puts up the same and the weight of the coal therein with words in solid Roman capital letters at least one inch in height.

Coal to be
sold by
weight, etc.

Repeal.

SECTION 2. Section eighty-five of chapter fifty-seven of the Revised Laws is hereby repealed.

Approved March 20, 1907.

Chap.229 AN ACT TO PROVIDE FOR SUPERVISING THE TRANSPORTATION AND DUMPING OF MATERIAL IN THE TIDE WATERS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Transportation
and dumping
of dredged
material in
tide waters,
etc.

SECTION 1. The board of harbor and land commissioners is hereby authorized and required to supervise the transportation and dumping of all material dredged in the

tide waters of the Commonwealth, or of any other material which may be placed in scows or boats to be transported and dumped in tide water, and may employ such inspectors as it may deem necessary therefor, who shall accompany the material while in transit, either upon the scows containing the material or upon the boat towing them, upon which they shall be provided with proper and suitable quarters and board by the owner of the boat. The cost of such supervision shall in the first instance be paid from the treasury of the Commonwealth, and shall be repaid to the Commonwealth monthly by the owners of the dredges or other machines doing the excavation when the material is dredged in tide water and, in the case of other material, by the owners of the scows in which it is transported, the monthly amount due from each owner to be determined and certified to the treasurer of the Commonwealth by the board of harbor and land commissioners.

Payment of
cost of
supervision.

SECTION 2. Every license or permit hereafter issued to any person to dredge in the tide waters of the Commonwealth shall contain a provision that the transportation and dumping of the dredged material shall be done under the supervision of the board of harbor and land commissioners, as provided in section one hereof, and that the licensee shall be held liable to pay the cost of said supervision whenever the owner of the dredge or excavating machine fails to pay for the same within ten days after notification in writing from the treasurer of the Commonwealth that the same is due.

Terms of
license, etc.

SECTION 3. Every contractor or other person shall, at least three days before commencing any piece of dredging in tide water, give notice in writing to the board of harbor and land commissioners of the location and amount of the proposed work, and the time at which it is expected work will begin and, except with the written assent of the board of harbor and land commissioners, no dredged or other material which it is proposed to dump in tide water, shall be transported or dumped within the tide waters of the Commonwealth, unless there is present on board the scows containing the material, or on the boat towing the same, an inspector employed for that purpose by the board of harbor and land commissioners; and no such material shall, in any event, be dumped within the limits of any channel which has been deepened by dredging, nor in any other

Contracts,
etc.

part of the tide waters of the Commonwealth, unless the same is duly authorized.

Action to
recover cost.

SECTION 4. The treasurer of the Commonwealth may bring an action of contract to recover of any person the cost of supervision determined as herein provided.

Penalty.

SECTION 5. Any person violating any provision of this act or of any license granted hereunder shall, upon complaint by said board or its agent to the superior court, be subject to a fine of not more than five hundred dollars, to be paid to the treasurer of the Commonwealth, upon the judgment or order of the court.

Not to apply
to certain
officials.

SECTION 6. This act shall not apply to the dredging, transporting and dumping of material by the United States, its officers or other duly authorized agents.

SECTION 7. This act shall take effect upon its passage.

Approved March 20, 1907.

Chap. 230 AN ACT TO AUTHORIZE THE TOWN OF REVERE TO INCUR INDEBTEDNESS FOR A NEW HIGH SCHOOL BUILDING.

Be it enacted, etc., as follows:

Town of
Revere may
borrow
money for
erecting, etc., a
high school
building.

SECTION 1. The town of Revere, for the purpose of purchasing land for a high school building, and of erecting, furnishing and equipping the building, is hereby authorized to borrow money beyond the statutory limit of indebtedness to an amount not exceeding one hundred and twenty-five thousand dollars, and to issue notes or bonds therefor. Such notes or bonds shall bear on the face thereof the words, Revere School Loan, Act of 1907, shall be payable at the expiration of periods not exceeding twenty years from the date of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose aforesaid, upon such terms and conditions as it may deem expedient: *provided*, that they shall not be sold for less than the par value thereof.

Treasurer of
town to issue
notes or
bonds, etc.

SECTION 2. The treasurer of the town of Revere is hereby authorized to borrow, with the approval of a majority of the selectmen, the said one hundred and twenty-five thousand dollars, and to issue notes or bonds therefor

as described above. Said notes or bonds shall be issued so that six thousand two hundred and fifty dollars of the same shall mature in one year from the date of issue, and an additional six thousand two hundred and fifty dollars annually thereafter, until the debt is extinguished. And the assessors of the town shall, without further vote, assess the amount required hereby in each year hereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the loan is extinguished. The town shall also raise annually by taxation a sum which will be sufficient to pay the interest as it accrues on the notes or bonds issued under authority of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1907.

AN ACT TO AUTHORIZE THE EMPLOYMENT OF CLERICAL ASSISTANCE BY THE TREASURER OF THE COUNTY OF NORFOLK.

Chap.231

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the county of Norfolk shall annually be allowed from the treasury of the county a sum not exceeding six hundred dollars for clerical assistance, subject to the approval of the county commissioners of said county.

Clerical assistance to treasurer of county of Norfolk.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1907.

AN ACT RELATIVE TO THE UNITED SPANISH WAR VETERANS.

Chap.232

Be it enacted, etc., as follows:

SECTION 1. The authority conferred upon every city and town by section thirteen of chapter twenty-five of the Revised Laws, to lease public buildings to a legion of Spanish war veterans established in such city or town shall be construed as authority to lease the same to the body known as the united Spanish war veterans, in accordance with the terms and conditions of the said section.

Cities and towns may lease public buildings to the united Spanish war veterans.

SECTION 2. The inscriptions authorized by section five of chapter two hundred and six of the Revised Laws to be made upon certain flags, may be made upon flags belong-

Inscription upon flags.

ing to the united Spanish war veterans in accordance with the provisions of the said section.

Unlawful
wearing of in-
signia, etc.

Penalty.

Certain pro-
visions of law
extended to
the united
Spanish war
veterans.

SECTION 3. It shall be unlawful for any person wilfully to wear or use the insignia, distinctive ribbon, or membership rosette or button of the united Spanish war veterans, for the purpose of representing that he is a member of that body, unless at the time of such wearing or using he is a member thereof. Any violation of the provisions of this section shall be punished by a fine not exceeding twenty dollars or by imprisonment in the house of correction for a term not exceeding thirty days, or by both such fine and imprisonment.

SECTION 4. The authority to parade with color guards of not more than twelve men, armed with firearms, in public, at all times, which is specified in section one hundred and fifty-three of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five, as amended by chapter one hundred and ninety-eight of the acts of the year nineteen hundred and six, is hereby extended to the united Spanish war veterans. *Approved March 20, 1907.*

Chap. 233 AN ACT RELATIVE TO THE ABOLITION OF GRADE CROSSINGS OF STREETS AND RAILROADS IN THE TOWN OF CLINTON.

Be it enacted, etc., as follows:

Extension of
time for the
abolition of
grade crossings
in the town
of Clinton.

SECTION 1. The authority of the superior court and of the commission heretofore appointed by the superior court upon petition for the abolition of the grade crossings in the town of Clinton is hereby extended to include the separation of the crossing at grade of the Worcester, Nashua and Rochester Railroad, Boston and Maine Railroad, lessee, and the Old Colony Railroad, New York, New Haven and Hartford Railroad Company, lessee. The superior court and the commission shall have the same authority in regard to the separation of the grades of said railroads and to the necessary changes in location and construction of passenger and freight stations and yards, and for the taking of land necessary therefor, which they now have in regard to the separation of the grades of streets and railroads.

Payment of
expense.

SECTION 2. The expense of the separation of the grades of the railroads, and all expense of railroad changes made necessary thereby which the commissioners do not in their

report decide to be reasonably necessary in connection with and incident to the separation of the grades of streets and railroads, shall be paid wholly by the said railroad companies in such proportions as they may agree, or, if they fail to agree, in such proportions as said commissioners may in their report prescribe.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1907.

AN ACT TO AUTHORIZE THE APPOINTMENT OF WOMEN AS ASSISTANT CLERKS OF COURTS. Chap.234

Be it enacted, etc., as follows:

SECTION 1. An assistant clerk of courts appointed under the provisions of section seven of chapter one hundred and sixty-five of the Revised Laws, or under the provisions of chapter two hundred and eighty-seven of the acts of the year nineteen hundred and four, may be a woman.

Women may be appointed assistant clerks of courts.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1907.

AN ACT TO PROVIDE FOR THE PROTECTION OF THE PUBLIC HEALTH IN THE VICINITY OF HORN POND BROOK IN WOBURN AND WINCHESTER. Chap.235

Be it enacted, etc., as follows:

SECTION 1. The state board of health is hereby authorized and directed to prohibit the entrance or discharge of sewage into any part of Horn Pond brook, otherwise called Russell brook, or its tributaries, and to prevent the entrance or discharge therein of every other substance which may be injurious to public health or may tend to create a public nuisance.

Discharge of sewage into Horn Pond brook prohibited.

SECTION 2. The board shall consult and advise with the owner of any factory or other establishment, at his request or of its own motion, as to the best practicable and reasonably available means of rendering the waste or refuse therefrom harmless.

Waste or refuse to be rendered harmless.

SECTION 3. The supreme judicial court or any justice thereof and the superior court or any justice thereof shall have jurisdiction in equity to enforce the provisions of this act and any order made by the state board of health in conformity therewith. Proceedings to enforce any such

Courts to have jurisdiction.

order shall be instituted and prosecuted by the attorney-general upon the request of the state board of health.

Penalty.

SECTION 4. Whoever permits the entrance or discharge into any part of Horn Pond brook, otherwise called Russell brook, or its tributaries, of sewage or of any other substance injurious to public health or tending to create a public nuisance shall be punished by a fine not exceeding five hundred dollars for each offence.

When to take effect.

SECTION 5. This act shall take effect on the first day of January in the year nineteen hundred and eight.

Approved March 22, 1907.

Chap. 236 AN ACT TO AUTHORIZE PROBATE COURTS TO LICENSE THE SALE OF REAL ESTATE OF DECEASED PERSONS FOR DISTRIBUTION AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows:

R. L. 146, § 18,
etc., amended.

SECTION 1. Section eighteen of chapter one hundred and forty-six of the Revised Laws, as amended by chapter two hundred and seventeen of the acts of the year nineteen hundred and four, and by chapter seventy-three of the acts of the year nineteen hundred and six, is hereby further amended by inserting after the word "sell", in the fifth line, the words:—the whole or any part of,—and by inserting after the word "debts", in the eleventh line, the words:—and legacies,—so as to read as follows:—*Section 18.* The probate court may, upon the petition of an administrator, administrator with the will annexed, or executor unless the will otherwise provides, with the consent of all parties interested or after notice, license him to sell the whole or any part of the real property or any undivided interest therein belonging to the estate of the deceased in such manner and upon such notice as the court orders, for the purpose of distribution; and the net proceeds of such sale, after deducting the expenses thereof and such amount as may be required for the payment of debts and legacies in consequence of a deficiency in the personal property, shall, after two years from the time of the filing of the administrator's or executor's bond, be distributed to the persons who would have been entitled to said real property and in the proportions to which they would have been entitled had it not been sold.

Sale of real
property by
administrator,
etc., for
distribution.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1907.

AN ACT TO AUTHORIZE THE CITY OF LYNN TO CONSTRUCT A BRIDGE ACROSS LITTLE RIVER, SO-CALLED. *Chap.237*

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn is hereby authorized, subject to the provisions of chapter ninety-six of the Revised Laws, to construct a bridge across Little river, so-called, in that city, between a point on said river easterly of Avon street on the northerly side of the river and a point easterly of River Street place on the southerly side of the river.

City of Lynn may construct a bridge across Little river.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1907.

AN ACT RELATIVE TO THE DISPOSITION OF MONEY RECEIVED FOR WATER FURNISHED OUTSIDE OF THE METROPOLITAN DISTRICT BY THE METROPOLITAN WATER AND SEWERAGE BOARD. *Chap.238*

Be it enacted, etc., as follows:

SECTION 1. All sums of money which shall be paid into the treasury of the Commonwealth by any city or town not belonging to the metropolitan water district, or by a water company in any such city or town, for water furnished under the provisions of section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and acts in amendment thereof, shall hereafter be applied by the treasurer and receiver general to the sinking fund established for the payment of bonds issued on account of the metropolitan water district.

Disposition of money received for water outside of the metropolitan district, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1907.

AN ACT TO ESTABLISH THE BASIS OF APPORTIONMENT OF STATE AND COUNTY TAXES. *Chap.239*

Be it enacted, etc., as follows:

SECTION 1. The number of polls, the amount of property, and the proportion of every one thousand dollars of state tax, including polls at one tenth of a mill each, for each city and town in the several counties of the Commonwealth, as contained in the following schedule, are hereby established, and shall constitute a basis for apportionment

Basis of apportionment of state and county taxes.

for state and county taxes until another is made and enacted by the general court, to wit:—

Polls, Property and Apportionment of State and County Taxes of \$1,000.

Barnstable
county.

BARNSTABLE COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Barnstable, . . .	1,018	\$5,710,662	\$1 54
Bourne,	519	3,197,188	86
Brewster,	211	618,981	18
Chatham,	536	1,076,206	32
Dennis,	626	1,347,112	40
Eastham,	149	347,535	10
Falmouth,	970	9,014,945	2 37
Harwich,	635	1,249,610	38
Mashpee,	90	190,559	06
Orleans,	311	670,798	20
Provincetown, . . .	1,208	1,932,553	61
Sandwich,	323	1,056,164	30
Truro,	198	378,248	12
Wellfleet,	320	1,070,446	30
Yarmouth,	454	2,119,869	58
Totals,	7,568	\$29,980,876	\$8 32

Berkshire
county.

BERKSHIRE COUNTY.

Adams,	2,749	\$6,516,113	\$1 92
Alford,	72	164,099	05
Becket,	316	478,259	15
Cheshire,	412	736,780	23
Clarksburg,	261	252,849	09
Dalton,	833	3,864,742	1 06
Egremont,	213	473,661	14
Florida,	121	152,537	05
Great Barrington, . .	1,653	5,835,079	1 64
Hancock,	147	294,789	09
Hinsdale,	350	614,750	19
Lanesborough,	242	480,830	15
Lee,	1,195	2,090,448	65
Lenox,	763	5,108,658	1 36
Monterey,	114	295,908	09

BERKSHIRE COUNTY—CONCLUDED.

Berkshire
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Mount Washington, . . .	22	\$81,480	\$0 02
New Ashford, . . .	37	51,803	02
New Marlborough, . . .	304	605,274	18
North Adams, . . .	5,095	16,481,600	4 66
Otis, . . .	158	229,759	07
Peru, . . .	82	124,149	04
Pittsfield, . . .	6,998	19,808,150	5 69
Richmond, . . .	149	346,016	10
Sandisfield, . . .	182	306,564	10
Savoy, . . .	139	178,360	06
Sheffield, . . .	510	1,074,222	32
Stockbridge, . . .	531	3,845,841	1 02
Tyringham, . . .	104	260,618	08
Washington, . . .	84	266,666	08
West Stockbridge, . . .	324	406,322	13
Williamstown, . . .	981	3,140,944	89
Windsor, . . .	142	271,055	08
Totals, . . .	25,283	\$74,838,325	\$21 40

BRISTOL COUNTY.

Bristol
county.

Acushnet, . . .	307	\$703,716	\$0 21
Attleborough, . . .	4,140	11,660,734	3 35
Berkley, . . .	238	436,698	13
Dartmouth, . . .	840	4,140,984	1 13
Dighton, . . .	493	953,057	29
Easton, . . .	1,417	5,705,465	1 58
Fairhaven, . . .	1,092	3,046,671	88
Fall River, . . .	28,604	85,395,897	24 37
Freetown, . . .	384	908,585	27
Mansfield, . . .	1,271	2,727,631	81
New Bedford, . . .	20,226	69,990,186	19 65
North Attleborough, . . .	2,390	5,017,536	1 50
Norton, . . .	581	1,029,823	32
Raynham, . . .	399	812,758	24
Rehoboth, . . .	500	753,754	24
Seekonk, . . .	515	1,069,429	32
Somerset, . . .	624	1,207,998	37
Swansea, . . .	531	1,460,655	42
Taunton, . . .	9,091	24,047,179	6 97
Westport, . . .	758	1,769,075	52
Totals, . . .	74,401	\$222,837,831	\$63 57

Dukes
county.

COUNTY OF DUKES COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Chilmark, . . .	110	\$266,196	\$0 08
Edgartown, . . .	388	899,524	27
Gay Head, . . .	45	34,185	01
Gosnold, . . .	37	330,723	09
Oak Bluffs, . . .	278	1,771,501	47
Tisbury, . . .	325	1,536,400	42
West Tisbury, . . .	144	453,740	13
Totals, . . .	1,327	\$5,292,269	\$1 47

Essex
county.

ESSEX COUNTY.

Amesbury, . . .	2,678	\$5,368,994	\$1 62
Andover, . . .	1,735	7,252,390	2 00
Beverly, . . .	5,062	26,572,345	7 20
Boxford, . . .	195	1,438,051	38
Danvers, . . .	2,445	5,994,387	1 75
Essex, . . .	480	1,162,084	34
Georgetown, . . .	515	992,918	30
Gloucester, . . .	8,013	22,096,875	6 37
Groveland, . . .	602	1,160,007	35
Hamilton, . . .	412	3,990,156	1 05
Haverhill, . . .	11,479	28,715,334	8 38
Ipswich, . . .	1,206	4,514,978	1 26
Lawrence, . . .	19,820	51,869,495	15 05
Lynn, . . .	25,650	64,765,172	18 88
Lynnfield, . . .	251	747,736	21
Manchester, . . .	771	14,948,898	3 84
Marblehead, . . .	2,221	7,962,355	2 23
Merrimac, . . .	555	1,230,354	37
Methuen, . . .	2,241	5,457,855	1 60
Middleton, . . .	246	763,917	22
Nahant, . . .	340	7,851,197	2 01
Newbury, . . .	407	1,348,631	38
Newburyport, . . .	4,374	11,825,985	3 42
North Andover, . . .	1,330	5,199,456	1 44
Peabody, . . .	4,072	9,476,018	2 79
Rockport, . . .	1,158	3,127,447	90
Rowley, . . .	395	748,938	23
Salem, . . .	11,099	33,283,162	9 49
Salisbury, . . .	417	813,778	25
Saugus, . . .	1,722	4,729,961	1 36
Swampscott, . . .	1,453	9,260,768	2 48

ESSEX COUNTY — CONCLUDED.

Essex
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Topsfield, . . .	277	\$1,139,097	\$0 31
Wenham, . . .	258	2,317,410	61
West Newbury, . . .	434	1,093,428	32
Totals, . . .	114,313	\$349,219,577	\$99 39

FRANKLIN COUNTY.

Franklin
county.

Ashfield, . . .	265	\$596,773	\$0 18
Bernardston, . . .	208	452,971	13
Buckland, . . .	438	710,202	22
Charlemont, . . .	288	391,433	13
Colrain, . . .	470	696,466	22
Conway, . . .	344	681,775	21
Deerfield, . . .	630	1,593,008	46
Erving, . . .	345	861,574	25
Gill, . . .	226	411,753	13
Greenfield, . . .	2,789	7,529,432	2 18
Hawley, . . .	126	152,811	05
Heath, . . .	117	162,526	05
Leverett, . . .	192	336,807	10
Leyden, . . .	88	205,555	06
Monroe, . . .	109	153,903	05
Montague, . . .	1,982	4,120,442	1 24
New Salem, . . .	197	324,464	10
Northfield, . . .	417	1,258,701	36
Orange, . . .	1,705	3,777,823	1 12
Rowe, . . .	168	178,430	06
Shelburne, . . .	450	1,045,226	31
Shutesbury, . . .	92	220,676	06
Sunderland, . . .	319	494,427	16
Warwick, . . .	122	335,763	10
Wendell, . . .	154	234,762	07
Whately, . . .	261	458,293	14
Totals, . . .	12,502	\$27,385,996	\$8 14

HAMPDEN COUNTY.

Hampden
county.

Agawam, . . .	791	\$1,726,456	\$0 51
Blandford, . . .	179	444,011	13
Brimfield, . . .	232	402,310	12

Hampden
county.

HAMPDEN COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Chester, . . .	351	\$670,816	\$0 20
Chicopee, . . .	5,375	10,656,151	3 22
East Longmeadow, . . .	364	635,414	20
Granville, . . .	234	418,124	13
Hampden, . . .	163	360,319	11
Holland, . . .	36	85,127	03
Holyoke, . . .	12,800	45,347,975	12 70
Longmeadow, . . .	217	1,185,467	32
Ludlow, . . .	953	3,037,146	86
Monson, . . .	1,073	1,924,778	59
Montgomery, . . .	73	145,088	04
Palmer, . . .	2,063	3,625,635	1 12
Russell, . . .	200	633,558	18
Southwick, . . .	266	633,279	19
Springfield, . . .	21,425	93,998,283	25 82
Tolland, . . .	69	166,736	05
Wales, . . .	193	264,634	09
West Springfield, . . .	1,979	6,204,217	1 76
Westfield, . . .	3,766	9,225,700	2 70
Wilbraham, . . .	430	1,070,773	31
Totals, . . .	53,232	\$182,861,997	\$51 38

Hampshire
county.

HAMPSHIRE COUNTY.

Amherst, . . .	1,380	\$3,859,743	\$1 11
Belchertown, . . .	530	871,800	27
Chesterfield, . . .	162	305,554	09
Cummington, . . .	205	309,247	10
Easthampton, . . .	1,683	4,097,249	1 20
Enfield, . . .	256	849,103	24
Goshen, . . .	77	162,896	05
Granby, . . .	200	493,504	14
Greenwich, . . .	138	281,311	08
Hadley, . . .	607	1,178,512	36
Hatfield, . . .	595	1,519,795	44
Huntington, . . .	381	590,164	19
Middlefield, . . .	91	189,911	06
Northampton, . . .	4,420	13,457,010	3 83
Pelham, . . .	118	199,714	06
Plainfield, . . .	114	184,259	06
Prescott, . . .	104	181,878	06
South Hadley, . . .	1,125	2,907,743	85
Southampton, . . .	238	495,768	15

HAMPSHIRE COUNTY — CONCLUDED.

Hampshire
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Ware, . . .	2,092	\$4,746,899	\$1 41
Westhampton, . . .	80	229,598	07
Williamsburg, . . .	514	966,377	29
Worthington, . . .	153	313,205	09
Totals, . . .	15,263	\$38,391,240	\$11 20

MIDDLESEX COUNTY.

Middlesex
county.

Acton, . . .	668	\$2,033,345	\$0 58
Arlington, . . .	2,654	10,971,184	3 03
Ashby, . . .	252	765,120	22
Ashland, . . .	517	1,053,221	32
Ayer, . . .	882	1,937,604	58
Bedford, . . .	289	1,345,329	37
Belmont, . . .	1,201	6,327,788	1 71
Billerica, . . .	698	2,522,164	71
Boxborough, . . .	81	239,929	07
Burlington, . . .	193	624,754	18
Cambridge, . . .	26,434	111,308,476	30 68
Carlisle, . . .	167	459,427	13
Chelmsford, . . .	1,225	3,256,653	94
Concord, . . .	1,470	6,533,323	1 79
Dracut, . . .	885	2,151,582	63
Dunstable, . . .	118	315,917	09
Everett, . . .	8,427	23,474,573	6 76
Framingham, . . .	3,260	10,979,299	3 09
Groton, . . .	574	3,459,443	93
Holliston, . . .	806	1,601,820	48
Hopkinton, . . .	798	1,695,391	51
Hudson, . . .	1,815	3,618,907	1 09
Lexington, . . .	1,323	7,229,681	1 95
Lincoln, . . .	314	3,289,854	86
Littleton, . . .	342	1,034,732	29
Lowell, . . .	25,040	77,123,710	21 93
Malden, . . .	10,759	36,841,031	10 36
Marlborough, . . .	4,322	10,243,178	3 01
Maynard, . . .	2,167	3,606,579	1 13
Medford, . . .	5,786	22,816,242	6 33
Melrose, . . .	4,235	16,191,026	4 50
Natick, . . .	3,045	6,928,642	2 05
Newton, . . .	9,940	77,001,855	20 39
North Reading, . . .	264	664,469	19
Pepperell, . . .	982	2,298,341	68
Reading, . . .	1,677	5,043,757	1 44

Middlesex
county.

MIDDLESEX COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Sherborn, . . .	302	\$1,364,425	\$0 37
Shirley, . . .	416	1,044,550	30
Somerville, . . .	20,069	61,678,378	17 54
Stoneham, . . .	2,132	4,994,931	1 47
Stow, . . .	290	871,316	25
Sudbury, . . .	363	1,282,691	36
Tewksbury, . . .	448	990,770	29
Townsend, . . .	540	1,247,805	37
Tyngsborough, . . .	207	533,616	16
Wakefield, . . .	2,968	8,779,356	2 51
Waltham, . . .	7,206	25,315,436	7 10
Watertown, . . .	3,369	13,252,497	3 68
Wayland, . . .	636	2,149,886	61
Westford, . . .	671	2,174,600	61
Weston, . . .	551	7,453,213	1 93
Wilmington, . . .	457	1,330,037	38
Winchester, . . .	2,070	12,233,803	3 29
Woburn, . . .	4,135	10,821,094	3 14
Totals, . . .	170,440	\$624,507,250	\$174 36

Nantucket
county.

NANTUCKET COUNTY.

Nantucket, . . .	747	\$3,352,433	\$0 92
Totals, . . .	747	\$3,352,433	\$0 92

Norfolk
county.

NORFOLK COUNTY.

Avon, . . .	529	\$939,504	\$0 29
Bellingham, . . .	427	835,010	25
Braintree, . . .	1,944	5,366,923	1 55
Brookline, . . .	6,910	109,073,832	28 17
Canton, . . .	1,164	4,451,733	1 24
Cohasset, . . .	713	7,467,786	1 95
Dedham, . . .	2,231	12,540,813	3 38
Dover, . . .	179	1,305,553	35
Foxborough, . . .	878	2,123,869	62
Franklin, . . .	1,299	3,631,312	1 04
Holbrook, . . .	725	1,461,858	44
Hyde Park, . . .	3,700	13,462,404	3 76

NORFOLK COUNTY—CONCLUDED.

Norfolk
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Medfield, . . .	505	\$1,770,944	\$0 50
Medway, . . .	750	1,336,121	41
Millis, . . .	330	758,757	22
Milton, . . .	1,868	27,392,463	7 09
Needham, . . .	1,182	4,892,133	1 35
Norfolk, . . .	315	701,123	21
Norwood, . . .	2,192	6,003,121	1 73
Plainville, . . .	381	682,772	21
Quincy, . . .	9,239	27,428,409	7 83
Randolph, . . .	1,106	2,336,382	70
Sharon, . . .	570	2,416,438	67
Stoughton, . . .	1,845	3,567,114	1 08
Walpole, . . .	1,274	3,892,007	1 11
Wellesley, . . .	1,290	13,820,086	3 61
Westwood, . . .	281	2,310,280	61
Weymouth, . . .	3,374	7,089,440	2 12
Wrentham, . . .	391	1,020,611	30
Totals, . . .	47,592	\$270,078,798	\$72 79

PLYMOUTH COUNTY.

Plymouth
county.

Abington, . . .	1,575	\$2,730,468	\$0 85
Bridgewater, . . .	1,561	3,314,159	99
Brockton, . . .	15,249	34,550,031	10 23
Carver, . . .	270	1,278,628	35
Duxbury, . . .	575	2,127,894	59
East Bridgewater, . . .	942	1,873,799	57
Halifax, . . .	136	365,404	11
Hanover, . . .	606	1,497,854	44
Hanson, . . .	409	1,357,759	38
Hingham, . . .	1,155	5,294,611	1 45
Hull, . . .	371	4,712,561	1 22
Kingston, . . .	607	1,743,530	50
Lakeville, . . .	256	676,008	20
Marion, . . .	316	1,807,613	49
Marshfield, . . .	489	1,816,341	51
Mattapoisett, . . .	260	1,800,922	48
Middleborough, . . .	2,077	4,593,535	1 36
Norwell, . . .	488	1,041,264	31
Pembroke, . . .	312	952,442	27
Plymouth, . . .	2,901	10,381,552	2 91
Plympton, . . .	159	328,845	10
Rochester, . . .	241	600,960	18

Plymouth
county.

PLYMOUTH COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Rockland, . . .	1,948	\$3,651,238	\$1 11
Scituate, . . .	751	4,058,453	1 10
Wareham, . . .	1,215	3,756,530	1 07
West Bridgewater, .	520	1,143,815	34
Whitman, . . .	2,156	4,295,809	1 30
Totals, . . .	37,545	\$101,752,025	\$29 41

Suffolk
county.

SUFFOLK COUNTY.

Boston, . . .	183,464	\$1,355,014,488	\$359 70
Chelsea, . . .	10,714	26,421,137	7 73
Revere, . . .	4,014	13,005,961	3 68
Winthrop, . . .	2,175	9,776,125	2 68
Totals, . . .	200,367	\$1,404,217,711	\$373 79

Worcester
county.

WORCESTER COUNTY.

Ashburnham, . . .	418	\$970,410	\$0 29
Athol, . . .	2,075	4,417,353	1 32
Auburn, . . .	542	1,016,079	31
Barre, . . .	795	1,689,833	51
Berlin, . . .	242	542,619	16
Blackstone, . . .	1,433	2,254,593	71
Bolton, . . .	223	489,251	15
Boylston, . . .	181	462,305	13
Brookfield, . . .	618	1,269,887	38
Charlton, . . .	581	1,256,533	37
Clinton, . . .	3,081	8,102,358	2 35
Dana, . . .	197	374,913	11
Douglas, . . .	603	1,211,056	37
Dudley, . . .	909	1,505,329	47
Fitchburg, . . .	8,970	28,199,232	8 00
Gardner, . . .	3,849	6,878,066	2 12
Grafton, . . .	1,187	2,538,174	76
Hardwick, . . .	898	1,750,666	53
Harvard, . . .	328	1,260,431	35
Holden, . . .	675	1,622,174	48
Hopedale, . . .	715	6,394,179	1 68
Hubbardston, . . .	380	669,445	21

WORCESTER COUNTY — CONCLUDED.

Worcester
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Lancaster, . . .	619	\$3,874,872	\$1 04
Leicester, . . .	874	2,388,976	69
Leominster, . . .	4,396	10,333,876	3 04
Lunenburg, . . .	316	1,054,612	30
Mendon, . . .	278	650,553	19
Milford, . . .	3,982	6,615,546	2 06
Millbury, . . .	1,324	2,316,746	72
New Braintree, . . .	142	409,996	12
North Brookfield, . . .	684	1,690,573	49
Northborough, . . .	548	1,398,184	41
Northbridge, . . .	2,216	5,047,232	1 49
Oakham, . . .	152	358,573	11
Oxford, . . .	835	1,757,416	53
Paxton, . . .	99	341,942	10
Petersham, . . .	225	736,299	21
Phillipston, . . .	122	274,851	08
Princeton, . . .	288	1,115,018	31
Royalston, . . .	265	567,958	17
Rutland, . . .	288	712,117	21
Shrewsbury, . . .	518	1,523,037	44
Southborough, . . .	497	2,121,947	58
Southbridge, . . .	2,994	5,552,739	1 70
Spencer, . . .	1,906	4,104,181	1 22
Sterling, . . .	382	980,199	29
Sturbridge, . . .	524	980,436	30
Sutton, . . .	679	1,249,331	38
Templeton, . . .	1,241	1,586,001	52
Upton, . . .	548	1,111,925	33
Uxbridge, . . .	1,224	2,903,483	85
Warren, . . .	1,196	1,907,175	60
Webster, . . .	2,712	8,543,332	2 42
West Boylston, . . .	366	733,283	22
West Brookfield, . . .	360	895,596	26
Westborough, . . .	1,219	3,264,220	94
Westminster, . . .	389	783,762	24
Winchendon, . . .	1,751	3,308,343	1 01
Worcester, . . .	38,047	133,870,959	37 53
Totals, . . .	103,106	\$291,940,175	\$83 86

Recapitulation.

RECAPITULATION.

COUNTIES.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Barnstable, . . .	7,568	\$29,980,876	\$8 32
Berkshire, . . .	25,283	74,838,325	21 40
Bristol, . . .	74,401	222,837,831	63 57
Dukes County, . . .	1,327	5,292,269	1 47
Essex, . . .	114,313	349,219,577	99 39
Franklin, . . .	12,502	27,385,996	8 14
Hampden, . . .	53,232	182,861,997	51 38
Hampshire, . . .	15,263	38,391,240	11 20
Middlesex, . . .	170,440	624,507,250	174 36
Nantucket, . . .	747	3,352,433	92
Norfolk, . . .	47,592	270,078,798	72 79
Plymouth, . . .	37,545	101,752,025	29 41
Suffolk, . . .	200,367	1,404,217,711	373 79
Worcester, . . .	103,106	291,940,175	83 86
Totals, . . .	863,686	\$3,626,656,503	\$1,000 00

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1907.

Chap. 240 AN ACT RELATIVE TO THE TERM OF OFFICE OF OFFICERS APPOINTED TO ENFORCE THE LAWS CONCERNING UNLICENSED DOGS.

*Be it enacted, etc., as follows:*R. L. 102, § 143,
amended.

SECTION 1. Section one hundred and forty-three of chapter one hundred and two of the Revised Laws is hereby amended by inserting after the word "constables", in the third and fourth lines, the words: — who shall hold office for one year or until his or their successor or successors are appointed and qualified, — so as to read as follows: — *Section 143.* The mayor of each city and the chairman of the selectmen of each town shall annually, within ten days after the first day of July, issue a warrant to one or more police officers or constables, who shall hold office for one year or until his or their successor or successors are appointed and qualified, directing them forthwith to kill or cause to be killed all dogs within such city or town which are not licensed and collared according to the provisions of this chapter, and to enter complaint

Unlicensed
dogs to be
killed.

against the owners or keepers thereof; and any person may, and every police officer and constable shall, kill or cause to be killed all such dogs whenever or wherever found. Such officers, other than those employed under regular pay, shall receive from the treasurers of their respective counties one dollar for each dog so destroyed; but in the county of Suffolk, they shall receive it from the treasurers of their respective cities or towns. Bills for such services shall be approved by the mayor of the city or chairman of the selectmen of the town in which said dogs are destroyed, and shall be paid from moneys received under the provisions of this chapter relating to dogs.

SECTION 2. Section one hundred and forty-four of said chapter one hundred and two is hereby amended by striking out the words "return the same on or before the first day of October following", in the second and third lines, and inserting in place thereof the words: — make returns on or before the first day of the October following and at the expiration of his term of office, — and by striking out the word "return", in the fifth line, and inserting in place thereof the word: — returns, — so as to read as follows:

— *Section 144.* Each police officer or constable to whom the warrant named in the preceding section is issued shall make returns on or before the first day of the October following and at the expiration of his term of office, to the mayor or chairman of selectmen issuing the same, and shall state in said returns the number of dogs killed, the names of the owners or keepers thereof and whether all unlicensed dogs in his city or town have been killed, and the names of persons against whom complaints have been made under the provisions of this chapter and whether complaints have been entered against all the persons who have failed to comply with said provisions.

R. L. 102, § 144,
amended.

Officers to
return
warrants, etc.

Approved March 25, 1907.

AN ACT RELATIVE TO THE ENFORCEMENT OF THE LAWS CONCERNING UNLICENSED AND UNCOLLARED DOGS.

Chap. 241

Be it enacted, etc., as follows:

Section one hundred and fifty-five of chapter one hundred and two of the Revised Laws, as amended by chapter one hundred and forty-two of the acts of the year nineteen hundred and four, is hereby further amended by inserting after the word "it", in the eighteenth line, the words: —

R. L. 102, § 155,
amended.

Appointment
of persons to
investigate
damages done
by dogs.

Said officer shall have concurrent jurisdiction with the officer or officers appointed under authority of section one hundred and forty-three, — so as to read as follows: — *Section 155.* The county commissioners, except in the county of Suffolk, shall appoint a suitable person residing in the county who shall, at the request of said commissioners, or of the chairman of the selectmen of a town or officer of the police designated as provided in section one hundred and fifty-one, investigate any case of damages done by a dog of which such commissioners, chairman or officer shall have been informed as provided in said section, and if he believes that the evidence is sufficient to sustain an action against the owner or keeper of a dog as provided in section one hundred and sixty-two and believes that such owner or keeper is able to satisfy any judgment which may be recovered in such action, he shall, unless such owner or keeper before action brought pays him such amount in settlement of such damages as he deems reasonable, bring such action. It may be brought in his own name and in the county in which he resides, and he shall prosecute it. Said officer shall have concurrent jurisdiction with the officer or officers appointed under authority of section one hundred and forty-three. All awards received or recovered by him in such actions shall be paid over to the county treasurer and placed to the credit of the dog fund. The county treasurer shall pay out of the dog fund such reasonable compensation as the county commissioners shall allow to such person for his services and necessary expenses and the reasonable expense of prosecuting such actions. The person appointed may be removed at any time by the county commissioners, and in counties in which he is appointed, the county treasurer shall not be authorized to bring such actions. *Approved March 25, 1907.*

Compensation
for services,
etc.

Chap. 242 AN ACT RELATIVE TO TRUSTEES OF PUBLIC CEMETERIES IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

Trustees of
public ceme-
teries in the
city of Lowell,
appointment,
term, etc.

SECTION 1. The powers and duties now pertaining to the trustees of Edson cemetery and other public burial grounds in or belonging to the city of Lowell, as they are stated in chapter three hundred and thirty-seven of the acts of the year eighteen hundred and ninety-one, are hereby transferred to and conferred upon a board of five

trustees, to serve without pay, who shall be appointed by the mayor of the city in April of the current year, and of whom one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Whenever a vacancy occurs in said board by expiration of a term or otherwise the vacancy shall be filled by the mayor for a term of five years, or for the remainder of the unexpired term, as the case may be. Of the said five trustees not less than three shall be owners of lots in a public burial ground in the said city. The mayor shall have the power to remove any of the said trustees for cause deemed by him sufficient and stated in writing.

SECTION 2. The said trustees shall annually in January present a report to the mayor and city council of their doings for the preceding year, including a detailed statement of the receipts and expenditures of each cemetery under their control and of all gifts and bequests in trust or otherwise made to the same.

To make an annual report.

SECTION 3. The powers and duties conferred and imposed upon the trustees created by said chapter three hundred and thirty-seven shall cease upon the appointment by the mayor of the new trustees as herein provided.

Certain powers and duties to cease.

SECTION 4. This act shall take effect upon its passage.

Approved March 25, 1907.

AN ACT RELATIVE TO THE NOTICE REQUIRED BY LAW TO BE GIVEN BY BOARDS OF HEALTH, CORPORATIONS AND PERSONS IN CERTAIN CASES.

Chap. 243

Be it enacted, etc., as follows:

SECTION 1. The notice required by section seventy of chapter fifty-six and by sections one hundred and one hundred and eleven of chapter seventy-five of the Revised Laws to be given by boards of health, corporations or persons to the board of cattle commissioners shall be given to the chief of the cattle bureau of the state board of agriculture; and the penalties for failure to give such notice to the chief of the cattle bureau shall be the same as are specified in the said chapters for failure to give such notice to the board of cattle commissioners.

R. L. 56, § 70,
R. L. 75,
§§ 100 and 111,
amended.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1907.

Chap.244 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE OVER
ANDREWS CREEK IN THE TOWN OF HARWICH.

Be it enacted, etc., as follows:

Bridge may
be constructed
over Andrews
creek in the
town of
Harwich, etc.

SECTION 1. The persons known as the Wychmere Trustees, consisting of William Gilfillan, Stewart Church and Alexis A. Julian, with their associates and successors, are hereby authorized to construct a bridge for foot passengers and vehicles over Andrews creek in the town of Harwich at a place not more than five hundred feet distant from the point where the said creek flows into Vineyard Sound, and at a place where the abutting land on both sides of the said creek is owned by the said trustees. The said bridge shall be constructed and used subject to the laws regulating the construction and use of bridges over tide waters and to any regulations made by the harbor and land commissioners in respect to such bridges.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1907.

Chap.245 AN ACT RELATIVE TO THE EXEMPTION FROM THE CIVIL SERVICE RULES OF THE EXPERTS AND INSPECTORS OF THE RAILROAD COMMISSIONERS.

Be it enacted, etc., as follows:

Certain
appointees of
the railroad
commissioners
to be exempt
from civil
service rules,
etc.

SECTION 1. The positions of experts and railroad and railway inspectors provided for in section one of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six shall be exempt from classification by the civil service commission unless the said commission with the approval of the governor and council shall hereafter so classify the same under the authority given them by chapter nineteen of the Revised Laws and acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1907.

Chap.246 AN ACT TO EXEMPT FROM TAXATION CERTAIN BONDS OF THE COMMONWEALTH HELD BY SAVINGS BANKS.

Be it enacted, etc., as follows:

R. L. 14, § 19,
etc., amended.

SECTION 1. Section nineteen of chapter fourteen of the Revised Laws, as amended by section three of chapter two hundred and seventy-one of the acts of the year nineteen

hundred and six, is hereby further amended by inserting after the words "pursuant to said section", in the last line but one of said section, the words: — and so much of said deposits as is invested in bonds of the Commonwealth of Massachusetts issued after July first, nineteen hundred and six, — so as to read as follows: — *Section 19.* Every savings bank and institution for savings shall pay to the treasurer and receiver general, on account of its depositors, an annual tax of one-half of one per cent on the amount of its deposits, one-half thereof to be assessed by the tax commissioner upon the average amount of such deposits for the six months preceding the first day of May and one-half to be so assessed upon the average amount of such deposits for the six months preceding the first day of November. Such tax shall be paid semi-annually on or before the twenty-fifth day of May and of November, each payment to consist of the amount of the tax as determined by the last preceding assessment; but so much of said deposits as is invested in real estate for banking purposes or in loans secured by mortgages of taxable real estate, and, for the period limited in clause nine of section twenty-six of chapter one hundred and thirteen, so much of said deposits as is invested in real estate the title to which has been acquired by the completion of foreclosure, or by purchase, pursuant to said section, and so much of said deposits as is invested in bonds of the Commonwealth of Massachusetts issued after July first, nineteen hundred and six, shall be exempt from taxation under the provisions of this section.

Taxation of
deposits in
savings banks.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1907.

AN ACT TO PROVIDE FOR AN INVESTIGATION OF CONGESTION
OF TRAFFIC IN THE STREETS OF THE CITY OF BOSTON.

Chap. 247

Be it enacted, etc., as follows:

SECTION 1. The Boston transit commission, when an appropriation sufficient to meet the expenses of such an investigation has been made by the city government, shall investigate the congestion and delay of teaming traffic and of the movement of freight within the city of Boston, and shall consider whether such congestion and delay can be relieved by the construction of subways for the transfer of freight, and shall report its conclusions and recommenda-

Investigation
to be made
of congestion
of traffic in
the streets of
the city of
Boston.

tions to the general court not later than January tenth, nineteen hundred and eight.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1907.

Chap.248 AN ACT RELATIVE TO THE HIRING OF BEDS IN PRIVATE HOSPITALS FOR TUBERCULOUS PATIENTS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1906, 189, § 1,
amended.

Care of
tuberculous
patients in
the city of
Boston.

SECTION 1. Section one of chapter one hundred and eighty-nine of the acts of the year nineteen hundred and six is hereby amended by striking out the word "five", in the fifth line, and inserting in place thereof the word:— eight, — so as to read as follows:— *Section 1.* The trustees of the new hospital for consumptives in the city of Boston, pending the erection of said hospital, are hereby authorized to hire not more than one hundred beds in private hospitals, and to pay not more than eight dollars a week each for the same, for the use of needy tuberculous patients who are residents of the said city.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1907.

Chap.249 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE CITY OF NEWTON AND THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

Boundary line
between the
city of Newton
and the town
of Brookline
established.

SECTION 1. A part of the boundary line between the town of Brookline and the city of Newton is hereby changed and established as follows:— Beginning at a point in the present boundary line in latitude forty-two degrees eighteen minutes fifty-one and seventy-four one hundredths seconds, longitude seventy-one degrees ten minutes and forty-five and ninety-four one hundredths seconds, said point being situated twenty-two and eighteen one hundredths feet south forty-five degrees twenty-one minutes east from monument two in the Brookline-Newton line of the Massachusetts town boundary survey, and being also situated about thirteen feet northwest of an angle in a stone wall near the easterly edge of cultivated lowland and about seven hundred and twenty feet northeast of a sharp angle in Dudley street, Newton; thence north forty-six degrees seven minutes fifty-two seconds west one hun-

dred and forty and forty-one one hundredths feet to an iron rod lettered B-N set in the ledge, and by the continuation of said line eight hundred and forty-seven and fifty-four one hundredths feet to an iron rod lettered B-N set in the ledge; thence north forty-five degrees fifty-seven minutes one second east nine hundred and ninety-one and nine one hundredths feet to a granite monument lettered B-N set near the northeasterly line of Florence street in Newton and Heath street in Brookline; thence north forty-five degrees fifty-one minutes two seconds east thirteen hundred and fifty-eight and nine one hundredths feet; thence north nineteen degrees forty-eight minutes forty-eight seconds west three hundred and thirty-two and seventy-eight one hundredths feet to the southerly line of Boylston street; thence north seventy degrees eleven minutes twelve seconds east by said southerly line of Boylston street three hundred and seventy-seven feet; thence north nineteen degrees forty-eight minutes forty-eight seconds west ninety feet to the northerly line of Boylston street; thence north seventy degrees eleven minutes twelve seconds east by said northerly line of Boylston street five hundred and fifty-six and ninety-five one hundredths feet; thence north forty-five degrees forty-four minutes twenty seconds east ten hundred and thirteen and fifty-two one hundredths feet to a granite monument lettered B-N situated near the westerly line of Hammond street; thence north forty-five degrees twelve minutes twenty-four seconds east five hundred and nineteen and sixty-nine one hundredths feet to a granite monument lettered BR-N situated on the southwesterly line of the part of Dunster road in Brookline; thence north forty-five degrees six minutes fifty seconds east three hundred and ten and nine one hundredths feet to a granite monument lettered BR-N situated on the northeasterly line of Devon street; thence north forty-five degrees eleven minutes eleven seconds east four hundred and thirty-one and twenty-four one hundredths feet to a granite monument lettered B-N situated near the northwesterly line of Middlesex road; thence north forty-five degrees eighteen minutes thirty-four seconds east three hundred and fifty-eight and seventy-one one hundredths feet to a granite monument lettered B-N; thence north forty-four degrees twenty-four minutes fifty-one seconds east six hundred and ninety-nine and ninety-eight one hundredths feet to a granite monu-

Boundary line between the city of Newton and the town of Brookline established.

ment lettered B-N; thence north forty-seven degrees forty-eight minutes twenty-nine seconds east six hundred and twenty-seven and twenty-seven one hundredths feet to a granite monument lettered N-BR-BO, said monument being corner number one in the Brookline-Newton line of the Massachusetts town boundary survey in latitude forty-two degrees nineteen minutes forty-nine and seven one hundredths seconds, longitude seventy-one degrees nine minutes twenty-six and fifty-seven one hundredths seconds, and situated in woodland about forty and six tenths feet southeast of the fence on the southeast side of the Boston and Albany railroad and about five hundred feet southwest of the pumping station of the metropolitan water works.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1907.

Chap. 250

AN ACT RELATIVE TO CERTAIN BIRDS OF PREY.

Be it enacted, etc., as follows:

R. L. 92, § 7,
etc., amended.

Penalty for
killing, etc.,
certain wild
birds, etc.

SECTION 1. Section seven of chapter ninety-two of the Revised Laws, as amended by chapter two hundred and eighty-seven of the acts of the year nineteen hundred and three, is hereby further amended by striking out the words "birds of prey", in the fourth line, and inserting in place thereof the words: — the following named birds of prey, — sharp-shinned hawk, cooper's hawk, goshawk, red-tailed hawk, red-shouldered hawk, duck hawk, pigeon hawk, barred owl, great horned owl and snowy owl, — so as to read as follows: — *Section 7.* Whoever takes or kills a wild or undomesticated bird not named in sections two, three, four and five, except English sparrows, crow blackbirds, crows, jays, the following named birds of prey, — sharp-shinned hawk, cooper's hawk, goshawk, red-tailed hawk, red-shouldered hawk, duck hawk, pigeon hawk, barred owl, great horned owl and snowy owl, — wild geese and fresh water and sea fowl not named in said sections, or wilfully destroys, disturbs or takes a nest or eggs of any wild or undomesticated birds, except such as are not protected by the provisions of this section, shall be punished by a fine of ten dollars for each bird taken or killed or each nest or egg destroyed, disturbed or taken contrary to the provisions of this section; but a person over twenty-one years of age, who has a certificate from the commis-

sioners on fisheries and game or from the president of the Boston Society of Natural History that he is engaged in the scientific study of ornithology or is collecting in the interest of a scientific institution, may at any season take or kill or take the nests and eggs of an undomesticated bird, except woodcock, ruffed grouse and quail; but the provisions of this section shall not authorize a person to enter upon private grounds without the consent of the owner thereof for the purpose of taking nests or eggs or killing birds. Said commissioners or the president of said society may at any time revoke such certificate.

SECTION 2. Section one of chapter one hundred and twenty-seven of the acts of the year nineteen hundred and two is hereby amended by striking out the words "birds of prey", in the fifth line, and inserting in place thereof the words:—the following named birds of prey, — sharp-shinned hawk, cooper's hawk, goshawk, red-tailed hawk, red-shouldered hawk, duck hawk, pigeon hawk, barred owl, great horned owl and snowy owl, — so as to read as follows:— *Section 1.* Whoever captures or has in possession a wild or undomesticated bird not named in sections two, three, four or five of chapter ninety-two of the Revised Laws, except English sparrows, crow blackbirds, crows, jays, the following named birds of prey, — sharp-shinned hawk, cooper's hawk, goshawk, red-tailed hawk, red-shouldered hawk, duck hawk, pigeon hawk, barred owl, great horned owl and snowy owl, — wild geese and fresh water and sea fowl not named in said sections, and birds which are not found wild within the Commonwealth of Massachusetts, shall be punished by a fine of ten dollars, but this act shall not apply to birds held in captivity before this act takes effect.

1902, 127, § 1,
amended.

Penalty for
capturing,
etc., certain
birds.

Approved March 28, 1907.

AN ACT RELATIVE TO SENTENCES TO THE REFORMATORY PRISON FOR WOMEN.

Chap. 251

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and eighty-two of the acts of the year nineteen hundred and six is hereby amended by striking out all after the period, in the third line, and inserting in place thereof the words:— A female convicted of a misdemeanor may be sentenced to said reformatory prison in accordance with section one

1906, 282, § 1,
amended.

Imprisonment
of women, etc.

of chapter two hundred and nine of the acts of the year nineteen hundred and three, — so as to read as follows: —

Section 1. The sentence of a female who is convicted of a felony shall be executed in the reformatory prison for women only. A female convicted of a misdemeanor may be sentenced to said reformatory prison in accordance with section one of chapter two hundred and nine of the acts of the year nineteen hundred and three.

Term of
sentence of
women, etc.

SECTION 2. A prisoner who is sentenced to the reformatory prison for women for drunkenness, for simple assault, for being a nightwalker, for fornication, for being idle and disorderly, for keeping a disorderly house, for lewdness, for stubbornness, for being a vagrant, or for unlawful taking, may be held therein for not more than two years. A prisoner who is sentenced to said reformatory prison for any offence not named in this section may be held therein for not more than five years, unless sentenced for a longer term, in which case she may be held for such longer term.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved March 28, 1907.*

Chap. 252 AN ACT RELATIVE TO SENTENCES TO THE MASSACHUSETTS REFORMATORY.

Be it enacted, etc., as follows:

R. L. 220, § 29,
amended.

Term of
sentence of
certain
prisoners, etc.

Chapter two hundred and twenty of the Revised Laws is hereby amended by striking out section twenty-nine and inserting in place thereof the following: — *Section 29.* Whoever is sentenced to imprisonment in the Massachusetts reformatory for drunkenness may be held therein for not more than one year. Whoever is sentenced to imprisonment therein as a delinquent child, a stubborn child, a tramp, a vagrant, or for simple assault, for disturbing the peace, for being idle and disorderly, for lewdness, for neglect of family, or for unlawful taking, may be held therein for not more than two years. Whoever is sentenced to imprisonment therein for any offence not named in this section may be held therein for not more than five years, unless sentenced for a longer term, in which case he may be held for such longer term. *Approved March 28, 1907.*

AN ACT TO PROVIDE FOR AN ASSISTANT CLERK OF THE SUPERIOR COURT FOR THE COUNTY OF ESSEX. *Chap.253*

Be it enacted, etc., as follows:

SECTION 1. The justices of the superior court, or a majority of them, may appoint an assistant clerk of said court for the county of Essex, who shall be subject to the provisions of law applicable to assistant clerks of courts in said county, and who shall receive in full for all services performed by him an annual salary of two thousand dollars, to be paid by the county.

Assistant clerk, superior court, county of Essex, appointment, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1907.

AN ACT RELATIVE TO THE SALARY AND EXPENSES OF THE SHERIFF OF THE COUNTY OF ESSEX. *Chap.254*

Be it enacted, etc., as follows:

The annual salary of the sheriff for the county of Essex shall be three thousand dollars, to be so allowed from the first day of January in the year nineteen hundred and seven, and he shall annually receive three hundred dollars in full compensation for his travelling expenses.

Salary, etc., of the sheriff of the county of Essex.

Approved March 28, 1907.

AN ACT RELATIVE TO THE ELECTION OF CERTAIN MEMBERS OF THE TRUSTEES OF TUFTS COLLEGE. *Chap.255*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and forty-one of the acts of the year eighteen hundred and fifty-two is hereby amended by adding at the end thereof the words:—Ten of the members of said corporation shall be elected by the alumni of said college, in the manner and upon the terms stated in the following sections of this amending act.

1852, 141, § 1, amended.

Election of trustees.

SECTION 2. All persons who for five years have held a degree from Tufts College conferred in regular course, and all persons who have received from said college an honorary degree, shall be entitled to vote for said ten members. And any person who for ten years has held from Tufts College a degree conferred in regular course shall be eligible to be elected a member of said corporation: *provided, always,* that at least seven of the ten members so elected

Persons entitled to vote, etc.

Proviso.

by the alumni shall hold from Tufts College the first degree in arts or sciences.

Manner of
election of
trustees.

SECTION 3. Except as is hereinafter provided relative to the election to be held during the current year, the president and secretary of the alumni association of Tufts College, and the secretary of the Trustees of Tufts College, acting as a committee, shall on or before the first day of March in each year after the current year send by mail to the last known address of each person qualified to vote for said ten members of the corporation a notice calling for nomination of candidates. Such notice shall state the number of members to be elected, the qualifications necessary for membership, that to be counted all nominations must be received on or before the first day of April, and that each voter is entitled to name as many candidates as there are vacancies to be filled at the election. The committee on or before the first day of May shall canvass the returns for nominations, shall select to the number of twice the vacancies to be filled the names of those receiving the largest number of votes who after notification have not declined to serve, and shall mail a ballot to each person entitled to vote. Such ballot shall contain, in alphabetical order, the names selected as above, with blank places for voting as on the so-called Australian ballot, the degrees received by each candidate, with their dates, the occupation of each candidate, and the statement that to be counted all ballots must be signed by the voter and be in the hands of the committee on or before the first day of June. On or before the twelfth day of June the committee shall count the votes received and make and sign a report of the same in duplicate, and deliver one duplicate to the Trustees of Tufts College and the other to the alumni association. Such report shall state the number of votes cast for each candidate, and shall declare elected: the candidates having the highest number of votes to fill vacancies in the longest term, and the candidate or candidates having the next highest number of votes to fill vacancies in the next longest term, and so on for the several terms to be filled. The secretary of the corporation shall notify the persons elected of their election, and the term of service of persons so elected shall date from the first day of July of the year of their election. For the first election of the said ten members of the corporation held after the passage of this act, said committee may make

such changes as it deems advisable in regard to the dates of notifications, nominations and balloting: *provided*, that the notices calling for nominations shall be mailed not less than one month prior to the time limited for receiving nominations and that the ballots containing the names of candidates to be voted for shall be mailed to all persons entitled to vote not less than one month before the date appointed by the committee for the first election under the provisions of this act. Proviso.

SECTION 4. Members of the corporation elected by the alumni of the college as above provided shall hold their office for the term of five years, except that at the first election after this act takes effect the alumni shall elect four members, two to hold office for five years and two to hold office for four years from the first day of July of the year of their election; and each succeeding year they shall elect two members to hold office for five years. Any member shall be eligible for re-election. Term of office.

SECTION 5. If a vacancy occurs among the members of the corporation elected by the alumni it shall be filled by the alumni at their next annual election. If a vacancy occurs among the other members of the corporation it shall be filled by the members who are not elected by the alumni. Vacancies.

SECTION 6. This act shall take effect when accepted by vote of the Trustees of Tufts College and by vote of the alumni of said college taken in the manner above provided for the nomination of candidates. When to take effect.

Approved March 29, 1907.

AN ACT RELATIVE TO PRIVATE PASSAGEWAYS.

Chap. 256

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and nineteen of the acts of the year eighteen hundred and ninety-four, relative to the paving of private passageways in the city of Boston, shall apply to all cities having a population of fifty thousand or more. Provisions of law relative to private passageways in the city of Boston to apply to certain other cities.

SECTION 2. This act shall take effect in any city only upon its acceptance by the city council of that city. When to take effect.

Approved March 29, 1907.

Chap. 257 AN ACT TO PROVIDE THAT CLAIMS AGAINST THE ESTATES OF DECEASED PERSONS SHALL NOT BECOME BARRED BY THE STATUTE OF LIMITATIONS DURING THE PENDENCY OF INSOLVENCY PROCEEDINGS IN THE PROBATE COURT.

Be it enacted, etc., as follows:

R. L. 142, § 2,
amended.

Section two of chapter one hundred and forty-two of the Revised Laws is hereby amended by adding at the end thereof the words:— and all debts of the estate of said deceased not at the time of such finding barred by any statute of limitations may be allowed either by said commissioners or by said court, — so as to read as follows:—

Examination
of claims of
creditors, etc.

Section 2. If the probate court finds from the representation of an executor or administrator that the estate of the deceased will probably be insufficient for the payment of his debts, it may appoint two or more commissioners to receive and examine all claims of creditors against such estate, and to return a list of all claims presented to them, with the amount allowed on each claim, and all debts of the estate of said deceased not at the time of such finding barred by any statute of limitations may be allowed either by said commissioners or by said court.

Approved March 29, 1907.

Chap. 258 AN ACT TO INCREASE THE AUTHORITY OF THE BOSTON TRANSIT COMMISSION TO TAKE BY EMINENT DOMAIN EASEMENTS OR OTHER ESTATES OR RIGHTS IN REAL ESTATE.

Be it enacted, etc., as follows:

1902, 534, § 6,
amended.

SECTION 1. Section six of chapter five hundred and thirty-four of the acts of the year nineteen hundred and two, being “An Act to provide for the construction of additional tunnels and subways in the city of Boston”, is hereby amended by inserting after the word “horizontal”, in the fourteenth line, the words:— or inclined, — and by inserting after the word “division”, in the fifteenth line, the words:— or by other surfaces, — so as to read as follows:— *Section 6.* The commission may for the purposes of this act use public ways and lands without compensation therefor, and may take for the city, by purchase or otherwise, lands in fee and easements, estates, and rights in land, including the right to go under the surface thereof or through or under buildings or parts of

Public ways
may be used,
land taken,
etc.

buildings thereon, and such takings in fee or otherwise may be made whether the lands taken or otherwise affected are held under or by title derived under eminent domain or otherwise. A taking under this section of an easement or other estate or right in a given parcel of real estate, whether such parcel consists of unimproved land or of land and buildings, may be confined to a portion or section of such parcel fixed by horizontal or inclined planes of division or by other surfaces below or above or at the surface of the soil, and in such case no taking need be made of upper or lower portions or sections, except of such easements therein, if any, as the commission may deem necessary. The commission, to make any taking by right of eminent domain, shall cause to be recorded in the registry of deeds for the county of Suffolk a description of the lands, easements, estates or rights to be taken, as certain as is required in a common conveyance of land, with the statement that the same are taken under authority of this act, which description and statement shall be signed by the commission; and the lands, easements, estates or rights therein described shall upon such recording be taken for and shall vest in the city. The commission shall, so far as may be practicable, notify all known owners of such takings, but the validity thereof shall not be affected by want of such notice.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1907.

AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS. Chap. 259

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of

1906, 386, § 1,
amended.

Receptacles of
patent or
proprietary
medicines to be
labelled, etc.

Proviso.

the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced proportionately. The provisions of section nineteen of chapter seventy-five of the Revised Laws, so far as they are consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.

Guaranty of wholesaler, etc., to exempt dealer from prosecution.

SECTION 2. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchases such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Repeal.

SECTION 3. Section two of chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby repealed.

When to take effect.

SECTION 4. This act shall take effect on the first day of March in the year nineteen hundred and eight.

Approved March 29, 1907.

Chap. 260 AN ACT TO INCORPORATE THE TRUSTEES OF ANDOVER THEOLOGICAL SEMINARY.

Be it enacted, etc., as follows:

Trustees of Andover Theological Seminary incorporated.

SECTION 1. Those persons who at the date of the passage of this act are the members of the body politic incorporated as the Trustees of Phillips Academy are hereby incorporated as a body politic by the name of the Trustees of Andover Theological Seminary, for the purposes hereinafter named, and they and their successors shall be and continue a body politic and corporate forever. All the property, real and personal, heretofore held by the Trustees of Phillips Academy in trust for or for the benefit of the theological institution in said Phillips Academy shall hereafter be held by the Trustees of Andover Theological Seminary, upon and subject to all the trusts, limitations,

conditions and provisions upon and subject to which said property has been held by the Trustees of Phillips Academy. The Trustees of Andover Theological Seminary shall have all the rights and powers and be charged with and bound by all the duties and obligations hitherto enjoyed, possessed, charged and binding by and on the Trustees of Phillips Academy over, on, toward and concerning said theological institution. The Trustees of Andover Theological Seminary shall be governed by provisions and regulations as to organization, membership and the conduct of business similar in all respects to those by which the Trustees of Phillips Academy are now governed. The said trusts, limitations, conditions, provisions, rights, powers, duties, obligations and regulations shall not be annulled or altered except so far as and in such manner as the same or similar trusts, limitations, conditions, provisions, rights, powers, duties, obligations and regulations could be lawfully annulled or altered by the Trustees of Phillips Academy had this act not been passed.

Rights and powers, etc.

SECTION 2. Three arbitrators shall be appointed by the Trustees of Phillips Academy, the Trustees of Andover Theological Seminary and the Visitors of the Theological Institution in Phillips Academy in Andover, jointly, who shall determine what property, real and personal, is held by the Trustees of Phillips Academy in trust for or on account of the said theological institution, and the property determined by them or a majority of them to be so held shall be transferred, conveyed and delivered by the Trustees of Phillips Academy to the Trustees of Andover Theological Seminary. Any party to the appointment of the arbitrators may appeal within thirty days from the announcement of their decision to the supreme judicial court for the county of Essex, which shall have jurisdiction in equity to ascertain the facts and to confirm, reject or modify the decision of the said arbitrators.

Arbitrators to determine what property shall be transferred, etc.

SECTION 3. This act shall take effect if and when, and only if, the Trustees of Phillips Academy and the Visitors of the Theological Institution in Phillips Academy in Andover shall, within three months after its passage, assent thereto.

When to take effect.

Approved April 1, 1907.

Chap. 261 AN ACT RELATIVE TO THE APPOINTMENT OF AN ADDITIONAL FEMALE ASSISTANT PROBATION OFFICER IN THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

R. L. 217, § 81,
etc., amended.

SECTION 1. Section eighty-one of chapter two hundred and seventeen of the Revised Laws, as amended by chapter two hundred and ninety-five of the acts of the year nineteen hundred and five, and by chapter three hundred and twenty-nine of the acts of the year nineteen hundred and six, is hereby further amended by striking out the word "two", in the sixth line, and inserting in place thereof the word: — three, — so as to read as follows: —

Probation
officers, ap-
pointment, etc.

Section 81. The superior court may appoint probation officers and the justice of each police, district or municipal court and the chief justice of the municipal court of the city of Boston shall appoint one probation officer. Said chief justice may also appoint not more than five male and three female assistant probation officers. The justice of the municipal court of the South Boston district and the justice of the municipal court of the Roxbury district and the justice of the third district court of Eastern Middlesex, may also each appoint one female assistant probation officer. Each probation officer and assistant probation officer so appointed shall hold his office during the pleasure of the court which makes the appointment.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1907.

Chap. 262 AN ACT RELATIVE TO SALES, TRANSFERS, EXCHANGES AND PARTITION OF REAL ESTATE BY TRUSTEES.

Be it enacted, etc., as follows:

R. L. 147, § 15,
amended.

SECTION 1. Section fifteen of chapter one hundred and forty-seven of the Revised Laws is hereby amended by inserting after the word "interested", in the sixth line, the words: — although the instrument creating the trust contains a power authorizing the petitioner to make such sale and conveyance, transfer, exchange or partition, — and by adding at the end of said section the words: — *provided, however,* that nothing herein contained shall be construed as requiring a trustee under a written instrument containing such power to obtain any such order, — so as to read

as follows:—*Section 15.* If the sale and conveyance, transfer or exchange of any real or personal property held in trust or the partition of any such real property held in common and undivided appears to be necessary or expedient, the supreme judicial court, the superior court or the probate court may, upon petition of a trustee or other person interested, although the instrument creating the trust contains a power authorizing the petitioner to make such sale and conveyance, transfer, exchange or partition, after notice and other proceedings as hereinafter required, order such sale and conveyance, transfer, exchange or partition to be made, and the investment, reinvestment and application of the proceeds of such sale in such manner as will best effect the objects of the trust: *provided, however,* that nothing herein contained shall be construed as requiring a trustee under a written instrument containing such power to obtain any such order.

Order for sale of estate held in trust, how obtained.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1907.

AN ACT TO INCORPORATE THE NASHUA AND ACTON RAILROAD.

Chap. 263

Be it enacted, etc., as follows:

SECTION 1. Benjamin A. Kimball, Charles E. Morrison, Herman F. Straw, Frank W. Maynard, William H. Beasom and John F. Webster, their associates and successors, are hereby made a corporation for the purchase, ownership, management, operation and disposition of a railroad under the name of the Nashua and Acton Railroad; with all the powers and privileges, and subject to all the restrictions and liabilities set forth in all general laws now or hereafter in force relating to railroad companies, except as otherwise provided herein.

Nashua and Acton Railroad incorporated.

SECTION 2. Said Nashua and Acton Railroad is hereby authorized, subject to the approval of the board of railroad commissioners, to acquire by purchase from the Concord and Montreal Railroad, and to hold, own and manage the property and franchises of the Nashua, Acton and Boston Railroad, acquired by said Concord and Montreal Railroad, at a foreclosure sale thereof. Said property and franchises shall be held subject to the lease of said Concord and Montreal Railroad to the Boston and Maine Railroad, dated June twenty-ninth, eighteen hundred and ninety-five, and to the mortgage of said Concord and Montreal

To acquire certain property and franchises.

May convey
property and
franchises.

Railroad to the Boston Safe Deposit and Trust Company, dated June second, eighteen hundred and ninety, as provided in the act of the New Hampshire legislature, chapter one hundred and fifty-one, approved January 24, 1905; and said Concord and Montreal Railroad is hereby authorized, subject to the approval of the board of railroad commissioners, to convey to said Nashua and Acton Railroad said property and franchises, and to receive in payment therefor shares of the capital stock of said Nashua and Acton Railroad, and to hold, own, manage and enjoy the same.

Capital stock.

SECTION 3. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

SECTION 4. This act shall take effect upon its passage.

Approved April 1, 1907.

Chap. 264 AN ACT RELATIVE TO HUNTING WILD DUCKS OR GEESE ON FRESH WATER PONDS IN THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

Hunting, etc.,
certain game
from a boat
or raft pro-
hibited.

SECTION 1. It shall be unlawful in the county of Dukes County for any person to pursue, drive, hunt, injure, shoot or kill wild ducks or geese in any fresh water pond from a boat, raft or other floating device.

Penalty.

SECTION 2. Any person violating any provision of this act shall be punished by a fine of not less than five nor more than two hundred and fifty dollars for each offence.

Repeal.

SECTION 3. Any acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 1, 1907.

Chap. 265 AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO ISSUE SECURITIES TO RENEW ITS WATER LOAN.

Be it enacted, etc., as follows:

Renewal of
Pittsfield
Water Loan,
Act of 1885.

SECTION 1. The city of Pittsfield may, for the purpose of renewing and paying certain water bonds issued under the provisions of chapter three hundred and forty of the acts of the year eighteen hundred and eighty-five, known as the Pittsfield Water Loan, Act of 1885, issue from time to time bonds, notes or scrip to an amount not exceeding ninety-five thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, Renewal Pittsfield Water Loan, Act of 1885, shall be payable at the expira-

tion of periods not exceeding thirty years from the date of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. The city shall provide for paying upon account of the principal sum of such indebtedness not less than the sum of five thousand dollars annually, beginning with the first day of May in the year nineteen hundred and eight, in addition to the sum now required to be paid upon its indebtedness for water extension by the provisions of section four of chapter one hundred and eighty-five of the acts of the year eighteen hundred and ninety-two, and acts in amendment thereof, until the said debt, both principal and interest, is extinguished. The city may authorize temporary loans to be made by its mayor and treasurer in anticipation of the bonds, notes or scrip hereby authorized, or in anticipation of the payments to be made.

Payment of
loan.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1907.

AN ACT RELATIVE TO THE SUPPORT OF CHILDREN OF PARENTS
LIVING SEPARATELY.

Chap. 266

Be it enacted, etc., as follows:

Section nineteen of chapter one hundred and sixty-two of the Revised Laws is hereby amended by inserting after the word "thirty-three", in the second line, the words: — or section thirty-seven, — so as to read as follows: — *Section 19.* A decree or order of a probate court made in proceedings under the provisions of section thirty-three or section thirty-seven of chapter one hundred and fifty-three shall have effect, notwithstanding an appeal, until otherwise ordered by a justice of the superior court, who may, in any county, suspend or modify such decree or order during the pendency of the appeal.

R. L. 162, § 19,
amended.

Certain de-
crees, etc., of
probate court
to have effect
until sus-
pended or
modified.

Approved April 1, 1907.

AN ACT RELATIVE TO THE HOURS OF LABOR OF WOMEN AND
MINORS EMPLOYED IN THE MANUFACTURE OF TEXTILE
GOODS.

Chap. 267

Be it enacted, etc., as follows:

SECTION 1. Section twenty-seven of chapter one hundred and six of the Revised Laws is hereby amended by inserting after the word "morning", in the fourth line,

R. L. 106, § 27,
amended.

Employment
of women and
minors.

the words: — No person, and no agent or officer of a person or corporation engaged in the manufacture of textile goods, shall employ any minor under eighteen years of age, or any woman, before six o'clock in the morning or after six o'clock in the evening, — so as to read as follows: —
Section 27. No person, and no agent or officer of a person or corporation, shall employ a woman or minor in any capacity for the purpose of manufacturing between ten o'clock at night and six o'clock in the morning. No person, and no agent or officer of a person or corporation engaged in the manufacture of textile goods, shall employ any minor under eighteen years of age, or any woman, before six o'clock in the morning or after six o'clock in the evening. Whoever violates the provisions of this section shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

When to take
effect.

SECTION 3. This act shall take effect on the first day of October in the year nineteen hundred and seven.

Approved April 2, 1907.

Chap. 268 AN ACT TO AUTHORIZE THE TOWN OF MARION TO SUPPLY ITSELF WITH WATER.

Be it enacted, etc., as follows:

The town of
Marion may
supply itself
with water,
etc.

SECTION 1. The town of Marion may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

May take
certain waters,
land, etc.

SECTION 2. Said town may obtain its water supply by means of driven, artesian or other wells, or may take, or acquire by purchase or otherwise, and hold the water of any pond, stream or spring, or artesian or driven well, within the limits of the town, and the water rights connected with any such water sources, and also all lands, rights of way and easements necessary for holding and preserving the water and for conveying the same to any part of the town: *provided*, that no source of water supply for domestic purposes and no lands necessary for preserving the quality of such water shall be taken without first obtaining the advice and approval of the state board of health.

Proviso.

Said town may also erect on the land taken or held as aforesaid, proper dams, buildings, reservoirs, standpipes, tanks and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay conduits, pipes and other works under or on any lands, water courses, railroads, railways or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

May erect structures, lay pipes, etc.

SECTION 3. Said town shall, within ninety days after the taking of any land, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which such land or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by the water commissioners hereinafter provided for.

Description of lands, etc., to be recorded.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by the town under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with the town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for laying out highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of two years, and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Damages.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes

Town of Marion Water Loan.

or scrip to an amount not exceeding sixty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Marion Water Loan, and shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof.

Proviso.

Payment of loan.

SECTION 6. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of the town in each year thereafter in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Town to raise a certain sum annually, etc.

SECTION 7. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by the town, and to make such payments on the principal as may be required under the provisions of this act.

Contracts, etc.

SECTION 8. Said town may contract with any person or corporation, and may purchase any interest in any property which may be deemed necessary to carry out the provisions of this act, and may hold such interest and property.

Penalty for corruption of water, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held by said town under this act, or destroys or injures any structure, work or other property owned, held or used by the town under the authority and for the purposes of this act shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the said wilful or wanton acts shall be punished by a fine not exceeding three hundred

dollars or by imprisonment for a term not exceeding one year.

SECTION 10. Said town shall after its acceptance of this act, at a town meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at every annual town meeting thereafter one water commissioner shall be elected by ballot for a term of three years. All the authority granted to said town by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in the board from any cause may be filled for the remainder of the unexpired term by the town at any town meeting called for the purpose.

Water commissioners,
election,
terms, etc.

Vacancies.

SECTION 11. This act shall take effect upon its acceptance by a majority of the voters of the town of Marion present and voting thereon by ballot at a legal town meeting called for the purpose within three years after its passage, but the number of meetings so called in any one year shall not exceed two. So far as it relates to acceptance by the said town this act shall take effect upon its passage.

When to take
effect.

Approved April 3, 1907.

AN ACT RELATIVE TO THE HOURS OF LABOR OF WORKMEN, *Chap. 269*
MECHANICS AND ENGINEERS.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter five hundred and seventeen of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "Laws", in the sixth line, the following: — No laborer, workman or mechanic so employed shall be requested or required to work more than eight hours in any one calendar day or more than forty-eight hours in any one week except in cases of extraordinary emergency. Only a case of danger to property, to life, to public safety or to public health shall be considered a case of extraordinary emergency within the meaning of this section. Engineers shall be considered

1906, 517, § 1,
amended.

Eight hours to constitute a day's work for public employees, etc.

mechanics within the meaning of this act, — and by adding at the end of the section the words: — Threat of loss of employment or threat to obstruct or prevent the obtaining of employment, or threat to refrain from employing in the future shall be considered requiring, within the meaning of this section, — so as to read as follows: — *Section 1.* Eight hours shall constitute a day's work for all laborers, workmen and mechanics now or hereafter employed by or on behalf of the Commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws. No laborer, workman or mechanic so employed shall be requested or required to work more than eight hours in any one calendar day or more than forty-eight hours in any one week except in cases of extraordinary emergency. Only a case of danger to property, to life, to public safety or to public health shall be considered a case of extraordinary emergency within the meaning of this section. Engineers shall be considered mechanics within the meaning of this act. But in cases where a Saturday half-holiday is given the hours of labor upon the other working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work. Threat of loss of employment or threat to obstruct or prevent the obtaining of employment, or threat to refrain from employing in the future shall be considered requiring, within the meaning of this section.

1906, 517, § 2, amended.

SECTION 2. Section two of said chapter five hundred and seventeen is hereby amended by inserting after the word "mechanic", in the eighth line, the words: — working within this Commonwealth, — and by inserting after the word "be", in the eleventh line, the words: — requested or, — and by adding at the end of the section the words: — and every such contract which does not contain this stipulation shall be null and void, — so as to read as follows: — *Section 2.* Every contract, excluding contracts for the purchase of material or supplies, to which the Commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic working within this Commonwealth in the employ of the contractor, sub-contractor or

Contracts to contain certain stipulation, etc.

other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be requested or required to work more than eight hours in any one calendar day and every such contract which does not contain this stipulation shall be null and void.

SECTION 3. Section four of said chapter five hundred and seventeen is hereby amended by inserting before the word "Any", in the first line, the words: — Any person or contractor or sub-contractor, or any agent or person acting on behalf of any contractor or sub-contractor, or, — so as to read as follows: — *Section 4.* Any person or contractor or sub-contractor, or any agent or person acting on behalf of any contractor or sub-contractor, or any agent or official of the Commonwealth or of any county, city or town who violates any provision of this act shall be subject to a penalty of fifty dollars for each offence.

1906, 517, § 4,
amended.

Penalty for
violation of
law.

Approved April 3, 1907.

AN ACT RELATIVE TO TAXATION FOR THE IMPROVEMENT OF
STREETS IN THE CITY OF LYNN.

Chap. 270

Be it enacted, etc., as follows:

SECTION 1. The tax assessed on property in the city of Lynn, exclusive of the state tax, county tax and sums required by law to be raised on account of the city debt, shall not exceed, on every one thousand dollars of the assessors' valuation of the taxable property therein for the preceding year, twelve dollars and fifty cents in the year nineteen hundred and seven, thirteen dollars in the years nineteen hundred and eight, nineteen hundred and nine, nineteen hundred and ten and nineteen hundred and eleven; the said valuation being first reduced by the amount of all abatements thereon previous to the thirty-first day of December in the year preceding said assessments, subject to all the provisions contained in section fifty-four of chapter twelve of the Revised Laws.

Limit of tax
rate in the city
of Lynn.

SECTION 2. All sums raised by taxation under the provisions of section one of this act in excess of twelve dollars on every one thousand dollars of the assessors' valuation of the taxable property in the said city for the preceding year shall be used for new pavement for streets and sidewalks; but no part of the money so received in excess of twelve dollars on every one thousand dollars of the assessors' valuation of the taxable property in said city for the

Certain pro-
portion of tax
to be used for
pavements,
etc.

preceding year shall be used for repair work, or replacing old paving, or macadam work.

Excess to be in addition to money annually appropriated.

SECTION 3. All money used in excess of twelve dollars on every one thousand dollars under the provisions of section one of this act shall be in addition to money annually appropriated by the city of Lynn for sidewalks and for street paving.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1907

Chap. 271 AN ACT RELATIVE TO THE DUTIES OF THE STATE BOARD OF CHARITY.

Be it enacted, etc., as follows:

State board of charity to submit a tabulated statement of receipts and expenditures, etc.

SECTION 1. The several institutions under the supervision of the state board of charity shall submit to said board for its approval, annually on or before the fifth day of November, a tabulated statement of their estimates for the year ensuing. The annual report of said board shall contain a properly classified and tabulated statement of the receipts and expenses of the board, and of each of the several state institutions under its supervision for the preceding year, and a corresponding classified and tabulated statement of their estimates for the year ensuing, including estimates for the ordinary expenses, with its opinion as to the necessity or expediency of appropriations in accordance with said estimates; a concise review of the work of the several institutions under the supervision of the board for the year preceding, and such suggestions and recommendations as to said institutions and as to the general interests of all persons under its supervision as it considers expedient, together with information embodying the experience of this country and of other countries relative to the best and most successful methods of caring for such persons as come under the supervision of the board.

Plans, etc., for new buildings to be approved.

SECTION 2. The board shall inspect and approve all plans and specifications for new buildings which are to be used by state institutions coming under its supervision, and for the extension or alteration, involving an expenditure of more than two thousand dollars, of existing buildings which are to be or are already so used, before such new buildings are erected or such extensions or alterations are made.

SECTION 3. This act shall take effect upon its passage.

Approved April 5, 1907.

AN ACT RELATIVE TO REMOVALS AND SUSPENSIONS FROM OFFICE AND EMPLOYMENT OF THE DISTRICT AND OTHER POLICE OFFICERS IN THE CLASSIFIED CIVIL SERVICE. *Chap. 272*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and ten of the acts of the year nineteen hundred and six is hereby amended by adding at the end thereof the words: — The provisions of this section shall apply to members of the district police, but shall not affect the power of the governor to remove any member of said police who is designated or appointed to be chief, deputy chief, chief inspector of boilers or chief fire inspector, or any member of the district police detailed or appointed to command any steam or sailing vessel of the Commonwealth, from the position to which he is so designated or appointed, — so as to read as follows: — *Section 1.* Every police officer now holding or hereafter appointed to an office classified under the civil service rules of the Commonwealth, in any city, and whether appointed for a definite or stated term, or otherwise, shall hold such office continuously during good behavior, and shall not be removed therefrom, lowered in rank or compensation, or suspended, or, without his consent, transferred from such office or employment to any other, except for just cause and for reasons specifically given in writing by the removing officer or board. The provisions of this section shall apply to members of the district police, but shall not affect the power of the governor to remove any member of said police who is designated or appointed to be chief, deputy chief, chief inspector of boilers or chief fire inspector, or any member of the district police detailed or appointed to command any steam or sailing vessel of the Commonwealth, from the position to which he is so designated or appointed.

1906, 210, § 1, amended.

Removal and suspension of police officers, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1907.

AN ACT RELATIVE TO THE SESSIONS OF THE PROBATE COURT FOR THE COUNTY OF MIDDLESEX. *Chap. 273*

Be it enacted, etc., as follows:

SECTION 1. The probate court for the county of Middlesex shall be held at Cambridge on Monday, Tuesday,

Sessions of the probate court, county of Middlesex.

Wednesday, Thursday and Friday of each week, except between the fourth Tuesday of July and the second Monday of September and except on the third Tuesday of each month; and at Lowell on the third Tuesday of each month, except August.

Repeal.

SECTION 2. So much of section sixty of chapter one hundred and sixty-two of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1907.

Chap. 274 AN ACT TO PROVIDE FOR THE LICENSING OF PUBLIC SHOWS AND PUBLIC AMUSEMENTS WHICH DERIVE THEIR REVENUE FROM THE DEPOSIT OF MONEY IN SLOT MACHINES.

Be it enacted, etc., as follows:

R. L. 102, § 172,
etc., amended.

SECTION 1. Section one hundred and seventy-two of chapter one hundred and two of the Revised Laws, as amended by section four of chapter four hundred and sixty of the acts of the year nineteen hundred and four, and by chapter three hundred and forty-one of the acts of the year nineteen hundred and five, is hereby further amended by inserting after the word "thing", in the eighth line, the words: — or in which, after free admission, amusement is furnished upon the deposit of money in a mechanical device known as a nickel-in-the-slot machine or penny-in-the-slot machine or other similar machine, — so as to read as follows: — *Section 172.* The mayor of a city or the selectmen of a town may, except as provided in section forty-six of chapter one hundred and six, grant a license for theatrical exhibitions, public shows, public amusements and exhibitions of every description to which admission is obtained upon payment of money or upon the delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, or in which, after free admission, amusement is furnished upon the deposit of money in a mechanical device known as a nickel-in-the-slot machine or penny-in-the-slot machine or other similar machine, upon such terms and conditions as they deem reasonable, and they may revoke or suspend such license at their pleasure; but they shall not grant a license for any such theatrical exhibitions, public shows, public amusements or exhibitions of any description whatever to be held

Certain exhibi-
tions may be
licensed, etc.

upon the Lord's day, except for those named in section five of chapter ninety-eight, and no such exhibition, show or amusement mentioned in said section, except a concert of sacred music or a free open air concert given by a city or town upon a common, public park, street or square, shall be given without such license.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1907.

AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION TO BUILD CERTAIN STRUCTURES IN THE CITY OF MEDFORD IN CONNECTION WITH THE CONSTRUCTION OF THE DAM ACROSS MYSTIC RIVER.

Chap.275

Be it enacted, etc., as follows:

SECTION 1. The metropolitan park commission is hereby authorized to lengthen Cradock bridge in the city of Medford and to construct an additional arch and additional channel for the waters of Mystic river thereunder, and to do such other work in and upon said bridge and that part of Main street upon and adjacent to said bridge as the commission may deem necessary for regulating the flow and use of the waters of Mystic river in connection with the construction of the dam across said river authorized by chapter four hundred and forty-five of the acts of the year nineteen hundred and four. Any expenses incurred under authority of this act shall be a part of the expenses of the construction of said dam as authorized by said chapter four hundred and forty-five.

The metropolitan park commission to lengthen Cradock bridge in Medford, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1907.

AN ACT TO EQUALIZE THE SALARIES OF THE HEADS OF CERTAIN STATE DEPARTMENTS.

Chap.276

Be it enacted, etc., as follows:

SECTION 1. Beginning with the present fiscal year the secretary of the Commonwealth, the treasurer and receiver general, the auditor of accounts and the attorney-general shall each receive an annual salary of five thousand dollars, and the expense of procuring the bonds which the secretary, the auditor and the treasurer are required to give shall be paid by the Commonwealth.

Salaries of the heads of certain state departments equalized.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1907.

Chap. 277 AN ACT RELATIVE TO CLAIMS AGAINST THE BOSTON ELEVATED RAILWAY COMPANY FOR DAMAGES TO PROPERTY.

Be it enacted, etc., as follows:

1900, 258, § 2,
amended.

Claims for
damages
against the
Boston Ele-
vated Railway
Company, etc.

SECTION 1. Section two of chapter two hundred and fifty-eight of the acts of the year nineteen hundred is hereby amended by adding at the end thereof the following:—*provided, further*, that the construction, addition or alteration by the Boston Elevated Railway Company of branches, spurs, sidings, turnouts, connections, deflections, switches, extensions and loops, as provided for in section seven of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, and the location, construction, maintenance, operation, addition to and modification or change of stations, as provided for in section ten of said chapter five hundred and forty-eight, as amended by chapter five hundred of the acts of the year eighteen hundred and ninety-seven, if such branches, additions or other structures were not contained in the original plans heretofore confirmed by the board of railroad commissioners, under which plans its elevated railway has been constructed, shall be deemed an additional servitude and shall entitle lessees, mortgagees and other parties having an estate in any public or private way or in any premises which abut thereon, and who are damaged by reason of such branches, additions or other structures, or changes or modifications, to recover reasonable compensation therefor. Any person so damaged may at any time within three years after the completion of the construction of such branches, additions or other structures, or changes or modifications, in front of his premises, file in the clerk's office of the superior court for the county where his said premises lie a petition setting forth his claim, and the amount thereof, against the Boston Elevated Railway Company. The provisions of sections eight and nine of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, and of sections seventeen to twenty-five, inclusive, and section one hundred and fourteen of chapter forty-eight of the Revised Laws relating

Certain provi-
sions of law to
govern pro-
ceedings, etc.

to procedure in case of damages to estates in which several parties have different or several interests, so far as not inconsistent herewith, shall govern proceedings taken under this act.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1907.

AN ACT RELATIVE TO THE MIDDLESEX LAW LIBRARY ASSOCIATION. Chap.278

Be it enacted, etc., as follows:

SECTION 1. For the purpose of maintaining the law libraries at Cambridge and Lowell, now under the care and control of the Middlesex Law Library Association, and adding to the same from time to time, of providing for the salary of the librarian, and for other necessary expenses, the treasurer of the county of Middlesex shall annually, beginning with the first day of January in the year nineteen hundred and eight, pay over to said Middlesex Law Library Association the sum of seven thousand dollars.

Certain sum of money to be paid to the Middlesex Law Library Association.

SECTION 2. The payment aforesaid shall be in lieu of all sums otherwise provided for by law and not heretofore paid over to said Middlesex Law Library Association.

Payment to be in lieu of all other sums provided for.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1907.

AN ACT TO AUTHORIZE THE COUNTY OF BRISTOL TO EXPEND CERTAIN SUMS OF MONEY FOR LAW LIBRARIES IN NEW BEDFORD AND FALL RIVER. Chap.279

Be it enacted, etc., as follows:

SECTION 1. The county of Bristol may expend annually a sum not exceeding nine hundred dollars for each of the law libraries established by law in New Bedford and Fall River, this sum to be in addition to any sums now authorized by law to be expended for the purposes of such libraries and to be in lieu of the naturalization fees heretofore expended for them.

Maintenance of certain law libraries in the county of Bristol.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1907.

Chap.280 AN ACT TO PROVIDE FURTHER FOR MAINTAINING THE ESSEX COUNTY LAW LIBRARY AT LAWRENCE.

Be it enacted, etc., as follows:

1906, 209, § 3,
amended.

Maintenance of
the Essex
County Law
Library at
Lawrence.

SECTION 1. Section three of chapter two hundred and nine of the acts of the year nineteen hundred and six is hereby amended by striking out the words "all naturalization fees collected in the police court of Lawrence, and the further sum of two thousand", in the seventh and eighth lines, and inserting in place thereof the words:— twenty-five hundred,— so as to read as follows:— *Section 3.* For the purposes of maintaining said library and from time to time adding thereto, providing for the salary of the librarian, and for other necessary expenses, the treasurer of the county of Essex shall annually, beginning with the first day of January in the year nineteen hundred and six, pay over to said Lawrence Bar Association twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1907.

Chap.281 AN ACT RELATIVE TO THE ESSEX COUNTY LAW LIBRARY ASSOCIATION.

Be it enacted, etc., as follows:

Maintenance of
the Essex
County Law
Library at
Salem.

SECTION 1. The treasurer of the county of Essex shall pay annually to the Essex County Law Library Association, in addition to the sums already authorized by law, the sum of twenty-five hundred dollars, to be used in maintaining and enlarging the library of said association at Salem.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1907.

Chap.282 AN ACT RELATIVE TO CHANGES IN OFFICERS OF DOMESTIC CORPORATIONS.

Be it enacted, etc., as follows:

Certificate of
changes in
offices of do-
mestic corpora-
tion to be filed
with the com-
missioner of
corporations.

SECTION 1. Whenever any change is made in the officers of a domestic corporation the corporation shall forthwith file in the office of the commissioner of corporations a certificate of such change, signed and sworn to by the president, clerk and a majority of its directors.

SECTION 2. Any such corporation which omits to make and file a certificate as aforesaid within thirty days after such a change has been made, or which fails to keep a clerk of the corporation in this Commonwealth, shall forfeit not more than five hundred dollars, to be recovered in the manner prescribed by section fifty of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three.

Penalty on corporation.

SECTION 3. Every officer of such a corporation who fails to perform any duty imposed upon him by this act shall be liable to a fine of not more than five hundred dollars.

Penalty on officer.

Approved April 6, 1907.

AN ACT RELATIVE TO THE SEALS OF SEALERS OF WEIGHTS AND MEASURES.

Chap. 283

Be it enacted, etc., as follows:

Chapter sixty-two of the Revised Laws is hereby amended by striking out section twenty and inserting in place thereof the following: — *Section 20.* The treasurer and receiver general and his deputy, the county treasurers, and the city and town sealers shall keep seals for their use. The seals of the treasurer and of his deputy shall bear the letters "C. M." and those of the county treasurers and city and town sealers shall be of such type as shall be approved by the deputy sealer. Any such treasurer or sealer who neglects to keep a seal in accordance with the provisions of this section shall forfeit not more than twenty dollars, and whoever, without being duly authorized to do so, impersonates a sealer or deputy sealer of weights and measures by the use of a seal or otherwise, or has in his possession an imitation or counterfeit of a seal used by a sealer or deputy sealer of weights and measures, shall be punished by a fine of not more than fifty dollars.

R. L. 62, § 20, amended.

Treasurers, etc., to have a seal, etc.

Penalty.

Approved April 6, 1907.

AN ACT RELATIVE TO THE DUTIES OF PUBLIC ADMINISTRATORS.

Chap. 284

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and thirty-eight of the Revised Laws is hereby amended by adding at the end thereof the following: — The treasurer and receiver general shall be made a party to all petitions for administration by public administrators, and shall be

R. L. 138, § 2, amended.

Duties of public administrators, etc.

The treasurer and receiver general to be a party to petitions, etc.

Notice to be given before final decree is entered.

given due notice of all subsequent proceedings, — so as to read as follows: — *Section 2.* Such administrators shall, except as hereinafter provided, take out letters of administration and faithfully administer upon the estates of persons who die intestate within their county or elsewhere, leaving property in such county to be administered and not leaving a known husband, widow or heir in this Commonwealth. The treasurer and receiver general shall be made a party to all petitions for administration by public administrators, and shall be given due notice of all subsequent proceedings.

SECTION 2. In all such proceedings pending at the date of the passage of this act, no final decree shall be entered until notice has been given to the treasurer and receiver general.

SECTION 3. This act shall take effect upon its passage.

Approved April 8, 1907.

Chap. 285 AN ACT TO AUTHORIZE THE TAKING FROM CONTAMINATED WATERS OF CLAMS AND QUAHAUGS FOR BAIT.

Be it enacted, etc., as follows:

Boards of health may grant permits to take clams or quahaugs for bait, etc.

SECTION 1. Whenever, upon the request of the state board of health under the provisions of section one hundred and thirteen of chapter ninety-one of the Revised Laws, the commissioners on fisheries and game have prohibited or may hereafter prohibit the taking from contaminated waters or flats in any city or town of any clams or quahaugs, the board of health of such city or town may grant permits in writing to any person to take from such waters clams or quahaugs to be used for bait only, and in such quantities and upon such conditions as they shall express in their permit.

Person holding permit to keep the same on his person, etc.

SECTION 2. Any person holding a permit from the board of health of a city or town shall keep in his possession, and on his person, while acting thereunder, any permit obtained by him from said board of health, and shall at all times display the same upon the request of any person authorized to enforce the provisions of this act. Violation of this section shall be punished by a fine of not less than ten dollars nor more than fifty dollars, and in addition the permit shall be revoked and shall not thereafter be issued within twelve months.

Penalty.

SECTION 3. Any person who violates any of the provisions of such permit shall forfeit the permit and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding three months, or by both such fine and imprisonment.

Permit to be forfeited in certain cases, etc.

SECTION 4. Whoever sells, or exchanges, or exposes or offers for sale or exchange, or buys any clams or quahaugs, taken under the provisions of this act, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for a term not exceeding three months, or by both such fine and imprisonment. *Approved April 9, 1907.*

Selling, etc., of clams or quahaugs prohibited.

AN ACT TO PROVIDE FOR INCREASING THE NUMBER OF ASSOCIATE JUSTICES OF THE SUPERIOR COURT. *Chap.286*

Be it enacted, etc., as follows:

SECTION 1. The number of associate justices of the superior court shall be twenty-four instead of twenty-two as now provided by law.

Number of associate justices of the superior court.

SECTION 2. This act shall take effect upon its passage.
Approved April 11, 1907.

AN ACT RELATIVE TO CHARGES FOR STORAGE OF BAGGAGE BY RAILROAD CORPORATIONS. *Chap.287*

Be it enacted, etc., as follows:

SECTION 1. No charge shall be made by railroad corporations for the care or storage of baggage left at or arriving in railroad stations upon Friday, for the period of time between Friday and the forenoon of the following Monday.

Storage of baggage by railroad corporations.

SECTION 2. This act shall take effect upon its passage.
Approved April 11, 1907.

AN ACT TO INVEST THE BRISTOL COUNTY FAIR, INCORPORATED, WITH THE RIGHTS AND PRIVILEGES OF THE BRISTOL COUNTY AGRICULTURAL SOCIETY. *Chap.288*

Be it enacted, etc., as follows:

SECTION 1. The Bristol County Fair, Incorporated, is hereby invested with all the rights and privileges formerly possessed by the Bristol County Agricultural Society, subject however to the rules and regulations governing agricultural societies now or hereafter adopted by the state board of agriculture.

The Bristol County Fair, Incorporated, invested with certain rights.

SECTION 2. This act shall take effect upon its passage.
Approved April 11, 1907.

Chap.289 AN ACT RELATIVE TO THE INFORMATION CONCERNING FERTILIZERS TO BE PUBLISHED BY THE MASSACHUSETTS AGRICULTURAL EXPERIMENT STATION.

Be it enacted, etc., as follows:

Bulletin, etc., of the Massachusetts agricultural experiment station to contain certain information.

SECTION 1. The bulletin or other publications of the Massachusetts agricultural experiment station containing information about fertilizers shall in all cases state the dealers' cash price per ton for such fertilizers, and the value per ton of the ingredients of the same, and the percentage of difference between the said price and the said value.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1907.

Chap.290 AN ACT TO DISSOLVE CERTAIN CORPORATIONS.

Be it enacted, etc., as follows:

Corporations dissolved.

SECTION 1. Such of the following named corporations as are not already legally dissolved are hereby dissolved, subject to the provisions of sections fifty-two and fifty-three of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three: —

A. A. Mills Company,
 A. B. C. Corset Company,
 A. C. Thompson Company,
 A. Fred Brown Commission Company,
 A. G. Moore Company, The,
 A. O. Speare Company,
 A. S. Rogers Shoe Company,
 A. W. Darling Woolen Company, The,
 A. W. Dunton Printing Co., The,
 A. W. Roberts Company, The,
 A. Z. Beattie Company,
 Abbott Agency Corporation, The,
 Acetylene Engineering Company,
 Adamant Leather Company,
 Adams-American Hospital Aid Association,
 Adaptable Sign Company, The,
 Advance Manufacturing Company,
 Aero Toast Company,
 Aetna Engineering Company,
 Aetna Knitting Company,
 Agry Spa and Luncheon Corporation,

Al Boostan Publishing Company,
 Alaska Fish Company,
 Albany Printing Company,
 Albert's Department Store, Inc.,
 Aldrich Grocery and Provision Company,
 Alfred E. Rose, Inc.,
 Allen-Bates Company,
 Alonzo E. Blanchard Company,
 Altamonte Springs Company,
 American Adjusting Company,
 American Bolt Company,
 American Bond and Security Company,
 American Brass Foundry Co.,
 American Brazing & Manufacturing Company,
 American Cash Benefit Company, The,
 American Casket Hardware Company, The,
 American Charter and Finance Company,
 American Collection Agency,
 American Development Company,
 American Gas Saving and Heating Company,
 American Graphite and Development Company, The,
 American Heater Company, The,
 American Jewelry and Supply Company,
 American Nut Company,
 American Parents' Educational Association,
 American Pop Corn Company,
 American Safety Blasting Shield Company, The,
 American Shoe Tap Mfg. Company,
 American Specialty Advertising Company,
 American Stave and Cooperage Company,
 American Woven Leather Belting Company, The,
 Ames Manufacturing Company,
 Anchor Garter Company,
 Anchor Knitting Company,
 Andrew Fyrberg Arms Company,
 Andrews Manufacturing Company,
 Angle Toe Shank Company,
 Anthony & Cushman Tack Company,
 Anthony Peters Manufacturing Company, The,
 Applied Arts Guild, The,
 Applied Device Company,
 Ar-Magno System of Medicine,
 Ariel Motor Car Company,
 Arion Manufacturing Company,
 Arlington Co-operative Association, The,
 Armored Shoe Company,
 Armstrong Shoe Company,
 Arnold-Brown Shoe Company,

Corporations
dissolved.

Corporations
dissolved.

Asbestos Protected Metal Co., The,
Ashland Leather Board Company,
Atlantic Gasolene Engine Company,
Atlas Wire Works, The,
Attleboro' Falls Corporation,
Atwood Electric Company,
Austin Press Company, The,
Automatic Gas Appliance Company,
Automatic Machine Company,
Automatic Medicine and Merchandise Vending Com-
pany, The,
Avon Art Press Company, The,
B. H. Woodsum Company,
B. L. Bragg Company, The,
B. S. & C. Phosphate Company,
B. Sommer Company,
Back Bay Plumbing & Roofing Company,
Bailey Printing Company,
Balkan Brothers, Incorporated,
Baltimore Chemical Engine Company,
Bankers' and Brokers' Service Company,
Barber Bros. Hardware Company,
Bardwell, Hoar Brokerage Company, The,
Barker Neck-Tie Manufacturing Company,
Bay State Bottling Company,
Bay State Card and Paper Company,
Bay State Co-operative Investment Company,
Bay State Express Company,
Bay State Gold Mining Company,
Bay State Machine Screw Company,
Bay State Mineral Company,
Bay State Varnish Company,
Beacon Publishing Company, The,
Bedford Clothing Company,
Bemis & Diamond Company, Incorporated,
Ben Franklin Institute,
Ben Franklin Press,
Bennett's Information Company,
Berkshire Courier Company,
Berkshire Credit Company,
Berkshire Pressed Brick Co.,
Berkshire Tack Company, The,
Berkshire Typewriter Paper Company,
Berman Tailoring Corporation,
Bernardi Stock Company,
Beverly Marine Railway,
Beverly Transportation Company,
Bicknell Home Building Company,

Biograph Automobile Sign Company,
 Black Mountain Gold Mining and Tunnel Co.,
 Bliss Coal Company,
 Blue Hill Granite Company, The,
 Blue Premium Trading Stamp Corporation, The,
 Blue Seal Supply Co.,
 Bond Manufacturing Company,
 Boothby Surgical Hospital,
 Boott Cotton Mills,
 Bostock's Animal Arena, Inc.,
 Boston & Nantasket Steamboat Company,
 Boston and Nova Scotia Coal Company,
 Boston and Nova Scotia Steamship Company,
 Boston & Nova Scotia Woolen Mills, Ltd.,
 Boston and Sandwich Glass Company,
 Boston & Southern Copper & Zinc Company,
 Boston and Suburban Express Company,
 Boston Art Company, The,
 Boston Automobile Garage Company,
 Boston Bank Note and Lithographing Company,
 Boston Base Ball Association,
 Boston Carbon Company,
 Boston Clutch Company,
 Boston Coal-Briquette Company,
 Boston Colorgraph Company,
 Boston Co-operative Cloak Manufacturing Company,
 Boston Embossing and Tape Company,
 Boston Engineering Agency, Incorporated,
 Boston Fare Register Company,
 Boston Gas Engine Company,
 Boston Horse Mart, Incorporated,
 Boston Iron and Metal Company, The,
 Boston Knitting Mills,
 Boston Leasehold Company,
 Boston Leather Binding Company,
 Boston Machine Company,
 Boston Motor Carriage Company,
 Boston Mutual Stamp Co.,
 Boston Pharmacy Company, The,
 Boston Preparatory Institute, Incorporated,
 Boston Produce & Provision Co.,
 Boston Provision Company,
 Boston Safety Can-opener Company,
 Boston School Supply Company,
 Boston Shoe Polish Company, The,
 Boston Steel and Iron Company,
 Boston Supply Company,
 Boston Warehouse and Leasing Corporation,

Corporations
 dissolved.

Corporations
dissolved.

Boston Wood Etching Company,
Boston Workingmen's Co-operative Association,
Bow Facing Oar Corporation,
Boylston Art Company, The,
Boynton Prescription Pharmacy Company,
Bra Lea Live Stock Company, The,
Briggs Iron Works,
Brigham Factory Company,
Brinley Smith Company,
Bristol County Agricultural Society,
Bristol County Department Store, Incorporated,
British-American Land and Investment Company,
Buffumville Manufacturing Company,
Burbank Produce Company,
Burleigh Tunnel Company, The,
Burley-Martin Company,
Burrus Manufacturing Company,
Burton E. Noble Company,
Bush Market Company,
Business Men's Protective Association,
Butterfield, Gay Company,
C. C. Farwell Company,
C. F. White & Company (Incorporated),
C. J. Allen Company, The,
C. J. Moore Manufacturing Company,
C. R. Marsters Company,
C. W. Russell Company,
C. W. Ware Costume Company,
Cable Rubber Company,
Cafeteria Company, The,
Calaveras Mining Company,
Cambridge Lumber Company, The,
Canedy-Clark Shoe Company,
Caney Edisionia Company,
Cantelo Manufacturing Company,
Canton Supply Company,
Cape Ann Breeze Co.,
Capitol Supply Company,
Carbon-Aqua Company, The,
Carlow & Putnam Company,
Caro Manufacturing Company,
Carolina-Cuban Fruit Company,
Carroll Oilless Bearing Company,
Carter Clothing Company,
Casco Ship Building Company,
Central Construction Company,
Central Tailoring and Manufacturing Company,
Champion Novelty Company,

Chandler Grain and Milling Company,
 Charles P. Kerans Company,
 Chas. S. Binner Company, The,
 Charles W. Ware, Inc.,
 Charlton Wire Company,
 Chartered Corporation and Finance Company,
 Chase Company,
 Chater Company, The,
 Chelmsford Foundry Company,
 Chelsea Baking Company,
 Chelsea Express Despatch Company,
 Chelsea Screen and Manufacturing Company, The,
 Cheltenham Press,
 Chenango Company, The,
 Cheshire Shoe Manufacturing Company,
 Chickering and Babigian Shoe Manufacturing Company,
 Chimo Park Amusement Company,
 Clarendon Rubber Company, The,
 Clark and Chapman Machine Company,
 Climax Ignitor Company,
 Coburn-Lewis Shoe Company,
 Coburn Stationery Company,
 Coe Market Company, The,
 Coe, Ray, Creelman Company,
 Cold Spring Co-operative Creamery Co.,
 Cold Spring Grocery Company,
 Cole Church Organ Co.,
 Collins Coal Company,
 Colonial Amusement Company,
 Colonial Corporation, The,
 Colonial Furniture Company, The,
 Colonial Match Company,
 Colonial Theatre Company,
 Colonial Waist Company,
 Columbian Novelty Printing Company,
 Combination Envelope Manufacturing Company,
 Combination Manufacturing Company,
 Combination Painters' and Paperhangers' Company,
 Combination Pick Company, The,
 Comfort Auto Sight Seeing Co.,
 Commercial Aid Company,
 Commercial Express Company,
 Commercial Fish Company,
 Commonwealth Benefit Association,
 Commonwealth Chemical Company,
 Commonwealth Cigar Company,
 Commonwealth Collateral Loan Association,
 Commonwealth Hygienic Ice Company,

Corporations
 dissolved.

Corporations
dissolved.

Commonwealth Registration Corporation,
Compensating Clock Company, The,
Complete Carriage Nut Company, The,
Connecticut Steam Stone Company, The,
Connfelt Clark Company,
Connor Carriage Company, The,
Consolidated Box Machine Company,
Consolidated Clothing Company, The,
Consolidated Drug Co.,
Consolidated Law Cabinet, The,
Consolidated Machine Specialty Company,
Consolidated Transfer Company, Limited, The,
Constant Pressure Gas Engine Company,
Continental Folding Box Machine Company,
Continental Motor Company,
Cook-Milligan Company,
Cooley General Development Selling Company,
Cooley Manufacturing Company,
Coolidge Dry Air Refrigerating Company,
Co-operative Fellowship (Incorp.), The,
Co-operative Market Company,
Co-operative Printing Society,
Coots School of Elocution & Dramatic Art (Inc.),
Copeland Loom Company,
Corona Kid Manufacturing Company,
Coulson-McDonnell Electrical Company,
Counsellors' Corporation Company,
Crane Manufacturing Company,
Cream of Chocolate Company,
Credit Pan System Co., The,
Crescent Hat Company,
Crossman Edge Tool Company, The,
Cuban Disc Company,
Cunningham Lumber Co.,
Currier Drug Company,
Cygolf Shoe Company,
D. A. Young Company,
D. L. Billings Company,
D. T. Hagerty Company, The,
D. W. Bugbee Company,
Daily Mail Publishing Company,
Dalton Ingersoll Company,
Dalton Shoe Co.,
Daly Herman Glass Company, The,
Damon & Gould Co.,
Damon Safe and Iron Works Company, The,
Dandy Rubber Heel Company,
Danvers Centre Building Association, The,

Corporations
dissolved.

Danvers Express Company,
 Danvers Sporting Goods Company,
 Davis and Buxton Stamping Company,
 De Condé Manufacturing Company,
 De Marreno Vehicle Hub Mfg. Co.,
 Dean-Whiting Elevator Co., The,
 Diamond Leather Co.,
 Diana Braid Mills,
 Dickerman Company, The,
 Dr. Clarence N. Davis Company,
 Doctor Heigham Medical Company,
 Doctor Ray Medicine Company, The,
 Doctor Rothfuchs Medical Company,
 Dr. Schenck Chemical Company,
 Dr. Stone's Medical Offices, Inc.,
 Dorchester Building Material Company,
 Douglas Hotel Company,
 Dover Construction Company,
 Dover Stamping Company,
 Dowling Brothers Company,
 Downs and Watson Company,
 Drainage Construction Company,
 Draper Machine Tool Company,
 Dresswell Company, The,
 Dubrocq Quarries Company,
 Dudley Auto School & Garage Company,
 Dudley Mills,
 Dummerston Granite Company,
 Durgin Grocery and Provision Company,
 Duxbury Fertilizer and Chemical Company,
 Dwight Printing Company,
 E. E. Perry Company,
 E. K. Baston Corporation, The,
 E. M. Slayton Freezer Company,
 E. M. Wheeler & Co. (incorporated),
 E. P. Dodge Manufacturing Company, The,
 E. R. Barry Company,
 E. S. Harris & Co., Incorporated,
 E. Z. Waist Company,
 Eagle Clothing Co.,
 Eagle Pearl Company,
 Eastern Co-operative Buyers' Association, The,
 Eastern Egg Company,
 Eastern Grocery Company,
 Eastern Hat Works,
 Eastern Lumber Company,
 Eastern Novelty Company,
 Eastern Park Cigar Company,

Corporations
dissolved.

Eastern Portrait and Photo-Button Company, The,
Eastern Printing and Engraving Company,
Eastern Sandstone Brick Company,
Eclair Cigar Company,
Eclipse Shoe Company,
Economic Gas Light Company,
Economy Benefit Society, The,
Edgeworth Flour & Merchandise Company,
Edward E. Shannon Company,
Edward M. Cox Company,
Edwards Boat Building Company,
El Rey Rubber Plantation Company,
Electric City Motor Company, The,
Ellis Manufacturing Company, The,
Ellwood W. Ward Company, The,
Elmore Chemical Co.,
Emerson Express Company,
Emery Bemis Co.,
Empire Manufacturing Company,
Empire Mining and Power Company,
Empire Shoe Company,
Empire Theatre Company,
Ensign Company, The,
Enterprise Loan & Investment Company,
Enterprise Publishing Company,
Equitable Banking Company,
Erudite Press, The,
Essex County Shoe Company,
Essex Garment Company,
Essex Piano Company,
Eureka Platinum Company,
Everett Hotel Company,
Everett Steam Motor Company,
Exposition Amusement Company,
F. A. Barnes Hat Co.,
F. Anderson Piano Company,
F. D. Nichols Company,
F. E. Dodge Co.,
F. H. & S. T. Young Company, The,
F. H. Fearing Paper Co.,
F. Knight and Son Corporation,
F. M. Keith Company,
F. O. Blake Sprayer Company,
F. P. Cox Laundry Company, The,
F. P. Norton Cigar Manufacturing Co.,
F. P. Wahlgren Company,
F. R. Benjamin Company,
F. S. Smith Shoe Company,

Fall River Public Market, Incorporated, The,
 Falmouth Heights Water Company,
 Farnam Brothers Lime Company,
 Federal Stock and Grain Company,
 Federal Weighing Machine Co.,
 Federation Shoe Company, The,
 Fidelity Banking Co.,
 Fidelity Finance Company of Massachusetts,
 Fidelity Mercantile Agency of Springfield,
 Fin De Cycle Rack Company,
 Finnish Co-operative Publishing Company, The,
 First National Loan Company,
 Florence Trading Co.,
 Foley-Taylor Manufacturing Company, The,
 Fox, Feuerherm and Mentz Leather Company, The,
 Frank I. Pierson Drug Co.,
 Frank Menard Company,
 Frank O. Sanborn & Company, Incorporated,
 Franklin Educational Company,
 Franklin Park Land and Improvement Company,
 Franklin School of Engineering, The,
 Fred H. Lucas Carriage Company,
 Fred L. Hall Piano Company,
 Frederick C. Clark Company,
 Frederick Freeman Company,
 Free Press Publishing Company, The,
 French and Rogers Drug Company,
 French Canadian Co-operative Association, The,
 Frost & Hawes Company,
 Frost Remedy Company,
 Frothingham & Parker Company,
 Fulton Fuel Economizer Company,
 G. A. Gane Shirt Company, The,
 G. A. R. Mills, The,
 G. H. Cutting Granite Company,
 G. H. Wood Company, Inc.,
 G. M. Ballou Company,
 G. M. Walker Company, The,
 G. W. MacBride Produce Company, The,
 G. W. Miller College of Advertising Arts, The,
 Garratt-Ford Company,
 Gassett & Company (Inc.),
 Gazette Publishing Company,
 George A. Schastey Company,
 George Brown Company,
 George E. Sturtevant Co., The,
 George F. Gosselin Company,
 Geo. F. Willett & Co., Incorporated,

Corporations
dissolved.

Corporations
dissolved.

George J. Mathews Company,
George M. Holbrooke Company,
George R. Taylor Company, The,
George T. Johnson and Company, Incorporated,
Gifford Gear Manufacturing Co., The,
Gilbert Leavitt Company,
Gilman Snow Guard Company,
Glasgow Company,
Glasgow Dry Goods Company,
Globe Industrial Co-operative Society, The,
Globe Photo Company,
Globe Tire Company,
Gloucester Ice Company,
Golden Eagle Mining Company,
Golden Rod Woolen Company, The,
Goodrich Foot Measurer Co., The,
Gordon Fireproof Company,
Gould Wire Cord Co.,
Granite State Mining & Milling Company,
Granville S. Standish Advertising Agency,
Greater New York Gold Mining Company,
Greenmont Shoe Company,
Greenwich Bleachery,
Gregory-Waite Company, The,
Gridley Mining Company, The,
Griffin-Dalton Company,
Grosvenor Woolen Company,
Grove Hall Storage Warehouse Company,
H. B. Stevens Company,
H. C. Fish Machine Works Company,
H. C. Fuller Company,
H. F. Bean Patents Manufacturing Company,
H. L. Aldrich Company,
H. L. Follansbee Company,
H. M. Fowler Company,
H. N. Libbey Company, The,
H. O. Nute Company,
H. Ohashi Tea Company,
H. P. Cummings Company,
H. R. Hale Company, The,
H. R. Sumner Company,
H. S. Johnson Company,
H. S. Townsend Company,
H. W. Roby Company,
Hamilton Automatic Bed Co., The,
Hampden Contracting Company,
Hampden Mills Company,
Hampden Pad and Paper Company, The,

Hampton Court Hotel Company, The,
 Hancock Express Company,
 Harding Manufacturing Company,
 Hardware Purchasing Company,
 Hargraves-Parker Mills,
 Harrison Pneumatic Bust Form Co., The,
 Hartford Chair Co., The,
 Harvest Hat Company, The,
 Hatch Automatic Damper Company,
 Havana Auto Company, The,
 Haverhill, Newburyport and Boston Steamship Company,
 Hawkins Illingworth Company, The,
 Henry A. Turner Company,
 Hero Cough Syrup Company, The,
 Heroux, the Clothier, Incorporated,
 Hideite Leather Company,
 Highland Ice Company,
 Hill and Proctor Company,
 Hill, Gifford Company,
 Hingham Coal Company,
 Hingham Dairy Association,
 Hogg Carpet Company,
 Holliday Manufacturing Company,
 Holliston Braiding Company,
 Holliston Harness Company,
 Holly Whip Company,
 Holmes & Blanchard Company,
 Holmes, Kaufman Company, The,
 Holyoke Auto Storage & Repair Co.,
 Holyoke Fire Box Protector Company,
 Holyoke Thread Company,
 Home Science Publishing Company,
 Hooper Knitting Company,
 Hoosac Tunnel Dock and Elevator Company, The,
 Hotel Eastgate Company,
 Household Furniture Company, The,
 Howland Piano Company,
 Hoyt Elevator Company,
 Hoyt L. Conary Company,
 Hub Publishing Company,
 Hughes Sales Company,
 Huguenot Mills Company,
 Hunt-Spiller Manufacturing Company, The,
 Hunter Manufacturing Company,
 Hurlbut Paper Manufacturing Company,
 Hutchins Manufacturing Company,
 Hutchins Narrow Fabric Co.,
 Hydraulic Packing Company,

Corporations
 dissolved.

Corporations
dissolved.

Hygienic Cured Fish Company,
I. G. Studley Box & Lumber Company,
I-Restore Medical Company,
Ideal Tailoring Company,
Ima Manufacturing Company,
Imperial Display Company,
Imperial Express Company,
Importers' and Traders' Leather Company,
Improved Dwellings Association of Springfield,
Independent Store Service Company,
Independent Insurance Agency, Incorporated,
International Bronze Powder Manufacturing Company,
International Cash Discount Company,
International Confectionery & Manufacturing Com-
pany,
International Jupiter Steel Company,
International Machine and Screw Company,
International Pulp and Lumber Company,
International Representative Association, The,
International Shoe Repairing Machinery Company,
International Stock & Bond Company,
Interstate Exhibition Association,
Inter-State Investment Company,
Interstate Mutual Deposit Company,
Ipswich Clam Company,
Ipswich Valley Company, Inc.,
Iroquois Manufacturing Company,
Isaac Van Horn Company,
Italian Grocers' Association of Boston, Massachusetts,
Ives Leather Remnant & Heel Company.
J. A. Glass Company,
J. B. Lewis Company,
J. C. Tannatt Shoe Company,
J. Frank Cullen Co., The,
J. Fraser Barbrick Medical Association, Incorporated,
J. H. Wentworth Company,
J. J. Whittier & Co., Inc.,
J. L. Holland Company,
J. Maddock Company, The,
J. P. Jordan Paper Company,
J. Stroup, Son & Co., Incorporated,
J. T. Meader Company,
J. T. Webster Company,
J. V. Kimball Company,
J. W. Hobart Company,
J. W. Lunt Company,
J. W. Swint Baking Company,
J. W. Taylor Manufacturing Company,

Jackson Advertising Agency,
 Jacobs & Son Company,
 Jacobs Dry Goods Company,
 Jamaican Produce Company,
 James A. Healey Company,
 James H. Jacobs Company, The,
 James H. McClellan & Co. (Incorporated),
 James Tozer Company, The,
 Janet Mining & Milling Company,
 Japanese Specific Co.,
 Jefferson County Mining Company,
 Jenkins Box Toe Company,
 Jensen Brothers Company,
 John G. Charlton Company, Incorporated, The,
 John P. Crane Company,
 John P. Cullen Company,
 John S. Flynn Company, The,
 John T. F. MacDonnell Paper Works Company,
 John Y. Wiggin Company,
 Johnson, Carpenter Company,
 Johnsonia Silver Company, The,
 Joruth Manufacturing Company,
 Joseph Fournier Sons' Company,
 Joseph H. White & Sons, Incorporated,
 Journal for Investors Publishing Company, The,
 Journeymen Bakers' Co-operative Association,
 Kearsarge Lumber Company,
 Keith Fender Company,
 Keith Leather Company,
 Kendall Building Company,
 Kennedy-MacInnes Company,
 Kennedy and Sullivan Manufacturing Company,
 Kilbourne-Prescott Company,
 King Chemical Company,
 Kinsman Drug Company,
 Knickerbocker Friction Drive Automobile Co., The,
 Knowlton-Bell Company, The,
 Konkapot Co-operative Creamery Association,
 Kurtz Corporation, The,
 L. M. Harris Manufacturing Company,
 L. W. Pond Machine Company,
 La Madre del Minas Co.,
 La Revue Publishing Company,
 Laboratory Kitchen and Food Supply Company, The,
 Lake Nagog Transit Company,
 Lamprey Boiler Furnace Mouth Protector Company,
 Landlords' Protective Agency, Inc.,
 Langdon Mitre Box Co.,

Corporations
 dissolved.

Corporations
dissolved.

Larrabee Company, The,
Lawrence Base Ball Association,
Lawrence Equitable Co-operative Society,
Lawrence Loom Harness Co.,
Lee Process Bakery & Lunch Co.,
Legal Protective Association of Wage Earners,
Leland Folsom & Company, Incorporated,
Lenox Chemical Company, The,
Lenox Road Association, The,
Leverett Express Company,
Library Bulletin Company, The,
Lincoln Mill Grain and Feed Company,
Linen Fabric Company, The,
Lithuanian Co-operative Company,
Local Exchange Company,
Locke Express Company,
Lockett-Curren Company,
Lockwood Building Company,
London Company, The,
Lowell Coal Company,
Lowell Germania Chemical Company,
Lowell Model Company, The,
Lowell Slate Company,
Lubron Manufacturing Co., Inc.,
Lynn & Boston Steamboat Company,
Lynn Hat Company, The,
Lynn Union Co-operative Laundry Association,
Lyons Granite Company,
M. B. Spooner Company, The,
M. C. Plummer Company,
M. Crowne Company, The,
M. H. Mullen Shoe Company, The,
Macdonald Company,
MacKinnon-Loomis Publishing Company, The,
Macrodi Fibre Company,
Madison Coal Company,
Magno Music Company,
Magnolia Improvement Company,
Maguire and Hughes Construction Company,
Maher Plumbing Company,
Malden Outlook Company,
Manchester Journal Company, The,
Manufacturers Chemical Company,
Manufacturers' Exchange Corporation,
Marine Life Saving Device Company,
Maritime Stores Company,
Marlboro' Awl & Needle Co.,
Marlboro' Shoe Company,

Marsh Wyman Corporation,
 Massachusetts Athletic Association,
 Massachusetts Box Company,
 Massachusetts Dry Dock Company,
 Massachusetts Electrical Exhibition Company,
 Massachusetts Exploitation & Securities Company,
 Massachusetts Glue Company,
 Massachusetts Guarantee Company,
 Massachusetts Heating and Ventilating Company,
 Massachusetts Law Association,
 Massachusetts Non-Refillable Bottle Company,
 Massachusetts Realty and Development Company,
 Massachusetts Steel Casting Company,
 Massachusetts Vending Machine Company,
 Massachusetts Woven Barrel Company,
 Mayall Rubber Company,
 Mayo Contracting Company,
 Mayor's Grocery & Provision Company,
 Mayor's Steam Clothes Washer Company,
 McBarron Iron and Steel Company,
 McCaul Brass Foundry Company,
 McCauley Hat Manufacturing Company,
 McCusker Company, The,
 McDonald Brothers (Incorporated),
 McVey Drug Company,
 Mecca Park Construction Company,
 Mechanical Co-operative Company,
 Mechanical Improvement Company, The,
 Medford Workmen's Co-operative Association,
 Ménard's Pharmacy Company,
 Menns' Carburetor Company,
 Merchants' Co-operative Coal and Wood Company,
 Merchants' Co-operative Wholesale Trading Company,
 Limited,
 Merrill Manufacturing Company,
 Merrimac Plating Works Company, The,
 Merton-Sawyer Company, The,
 Messervy Ice Cream and Confectionery Company,
 Metallochord Company,
 Metric Granule & Tablet Company,
 Metropolitan Bolt Co.,
 Metropolitan Cash Saving Association,
 Metropolitan Stock Exchange, The,
 Mexico Exploration and Mines Company, The,
 Middlesex Butter Company,
 Middlesex Construction Co.,
 Middlesex Ice Company,
 Middleton Paper Company, The,

Corporations
 dissolved.

Corporations
dissolved.

Milan Mining Company,
Miles F. Brennan Company,
Miles F. King Advertising Company,
Milford Quarry Company,
Mill Express Company,
Miller Piano Company, Incorporated,
Millington Company,
Minard's Drug Company,
Mining Development Company,
Mitchell Company, The,
Modern Shoe Repairing Co.,
Monarch Bleach, Dye and Finishing Company,
Monarch Horse Nail Company,
Monarch Rubber Company, The,
Monitor Electrical Speed Recorder Company,
Moore, Nelson, Nickerson and Pride, Incorporated,
Moore's Dentistry (Incorporated),
Morgan and Ball Company,
Morning Star Shoe Company,
Morrill Brothers Company,
Morrill Construction Company,
Morris-Ireland Safe Company,
Morrison Coal Company,
Morse Motor-Vehicle Company, The,
Morton E. Converse Company,
Moulton Express Company,
Mount Eldo Mineral Spring Water Company,
Mount Washington Glass Company,
Mrs. A. M. Townsend, Inc.,
Muggley, Glidden, Coad Co., The,
Munroe and Knight Machine Screw Co.,
Murdock Corporation, The,
Murray Cone Shoe Company,
Mutual Ice Company,
Mutual Mail Order Company, The,
Mutual Stock and Grain Company,
My Land Oil Company, The,
Mystic Lumber Company,
N. A. Lombard Company,
N. M. Jewett Lumber Company,
N. P. Sackett Company,
Nantasket Chute Company, The,
Nantasket Park and Amusement Company,
Nantasket Transit Company,
Nantucket Cranberry Company,
Napoleon and Josephine Mining Company,
Narragansett Mining & Milling Co.,
National Cash Buyers Association,

National Cement Brick Company,
 National Club Woman's Corporation,
 National Coin Co.,
 National Finance Company,
 National Heel Company,
 National Mortgage and Debenture Company,
 National Pharmacy Company, The,
 National Plunger Elevator Company,
 National Shoe Machinery Co., The,
 National Telephone Tablet Holder Company,
 National Wax Paper Printing Co.,
 Natural Industrials Company,
 Needham Electric Company,
 Nehokist Manufacturing Company,
 Nelson Crosskill Corporation,
 Nevada Development Company,
 New Bedford Copper Company,
 New England Awl and Needle Company,
 New England Boiler Company, The,
 New England Book Company, The,
 New England Bunting Co.,
 New England Co-operative Company,
 New England Cranberry Company,
 New England Electric Manufacturing Company,
 New England Electric Railroad Construction Company,
 New England Farm Company,
 New England Fuel Saving Company, The,
 New England Heating & Supply Company,
 New England Horse Exchange Company,
 New England Hotel Company,
 New England Hygienic Spring Water Vending Corporation, The,
 New England Land Company,
 New England Manufacturing Company,
 New England Marine Publishing Company,
 New England Merchants Exchange,
 New England Mica Company,
 New England Motor Tally-Ho Company, The,
 New England Mutual Investment Company, The,
 New England Mutual Investment Company, The,
 New England Produce Company,
 New England Record and Reporting Company,
 New England Resort Bureau, Inc.,
 New England Roofing & Concrete Company,
 New England Shirt Company,
 New York, Newport and Providence Steamboat Company,
 New York Shoe Repairing Machinery Company,
 Newark Shoe Company,

Corporations
dissolved.

Corporations
dissolved.

Newburyport Car Manufacturing Company,
Newburyport Shoe Company,
News Publishing Company of Marlboro',
Newton Provision Company,
Noble Milling Company,
Norfolk Lumber Company,
Norfolk Yarn Co.,
Norris Livery Company, The,
North End Baking Company,
North Star Device & Implement Company,
Northampton Co-operative Coal Company,
Northampton Shoe Company,
Northern Transportation Company,
Norton Bridge Company, The,
Nute-Hallett Company, Incorporated, The,
O-So-Ezy Manufacturing Company,
O. T. Rogers Granite Company,
Oak Grove Creamery Company, The,
O'Keefe Tanning Company,
Old Colony Automatic Telephone Company,
Old Colony Boot and Shoe Company,
Old Colony Concrete Co.,
Old Colony Engineering & Construction Company,
Old Colony Mills,
Oliver Engine Company of New England,
Olympic Amusement Company,
Onset Bay Catering Company,
Orange Co-operative Company,
Orange Lumber Company, The,
Orian Supply Company,
Oriental Ruby Company,
Osceola Fertilizer & Chemical Co., The,
Outfitters Credit Co., The,
Oxylectric Cured Fish Company,
Ozona Medical Co.,
P. W. Moore Company,
Pacific Guano Company,
Page Motor Vehicle Company, The,
Palami, Inc.,
Paper Goods Selling Company,
Parker Bros. Hat Company, The,
Parker Brothers Manufacturing Company,
Parrish & Tuller Company,
Partridge Gas Heater Company,
Patrick Gillon Company,
Peabody Bottle Lock Company, The,
Peabody Express Company,
Peabody-Tucker Company, The,

Pearson Drug Company,
 Peerless Semi-Pneumatic Tire Company,
 Pemberton Law Stationery Company,
 Peoples Ice Company of Worcester,
 Perfection Button Company,
 Perfection Manufacturing Company, The,
 Pharmacie Nationale, Incorporated, The,
 Phelan Shoe Company,
 Philippine Publishing Company,
 Phoenix Grocery & Provision Co.,
 Phoenix Leather Goods Company,
 Phoenix Pharmacy,
 Pierrepont Mills Corporation,
 Pilgrim Iron Foundry Company,
 Pittsfield Brass Company,
 Pittsfield Manufacturing Company, The,
 Play Publishing Corporation, The,
 Plymouth Grocery Company,
 Point of Pines Amusement Company,
 Polish Industrial Association,
 Political Publishing Company, The,
 Pomeroy Woolen Company,
 Porter Brothers' Company,
 Porto Rico Commercial Company,
 Post Office Mountain Gold Mining Company,
 Postal Advertising Company,
 Potter-Klous Securities Company,
 Pratt Manufacturing Company,
 Providence Securities Company,
 Prudential Securities Company, The,
 Pugwash River Copper Company, The,
 Pure Food Company,
 Puritan Amusement Company,
 Purity Ice Company,
 Putnam Company, The,
 Quaker Extract Company,
 Quaker Fruit Tonic Company,
 Quick-Hitch Manufacturing Co., The,
 Quincy and Nantasket Steamboat Company,
 Quincy Consolidated Grocery & Provision Co.,
 Quinsigamond Co-operative Baking Company,
 Quinsigamond Lake Improvement Company,
 R. B. Grover & Co., Incorporated,
 R. P. Tillman Company, The,
 Railway Track Sander Company,
 Ransbothan and Tower Coal Company,
 Ransford Insecticide Company,
 Read Manufacturing Company,

Corporations
 dissolved.

Corporations
dissolved.

Real Estate Mortgage Company, The,
Refilled Electric Lamp & Supply Company,
Regal Shirt Waist Company, The,
Reliance Express Company,
Reliance Trimming Company,
Revere Beach Roller Skating and Amusement Company,
Revere Coal Mine Company,
Revolution Laundry Machinery Company,
Reycroft Pharmacy Company,
Rice and Griffin Manufacturing Company,
Richard Patent Leather Corporation,
Richards Tool Company,
Richmond Company, The,
Ridgway Company, The,
Robertson Manufacturing and Quarry Company,
Robeson Mills,
Robinson Tailoring Company,
Rockdale Ice Corporation,
Rockland Hotel Company, The,
Rockport Ice and Cold Storage Company,
Roeder & Keene Company,
Rollins and Company, Limited,
Rounds and Dennison Corporation,
Royal Harness Dressing Company,
Royal Tailoring Company,
Rubie Catering Company,
Rumford Bottling Works Company,
Rustic Furniture Manufacturing Company,
S. A. Cash Manufacturing Company, The,
S. A. Ryan Company,
Salem Heating and Metal Company,
Sample Book and Supply Company, The,
Sanborn, Farrell Company,
Sandow's American Institute, Incorporated,
Sandwich House Company,
Sanitary Manufacturing Company, The,
Sargent, Conant & Company, Incorporated,
Saugus Woolen Manufacturing Company,
Saunders Medical Company,
Savings and Trust Publishing Company, The,
Sayman's Remedy Company,
Scientific Swel Shu Shop Company,
Scotsmith Company, The,
Scott Tailoring Company,
Seaboard Steamship Co.,
Seal and Smith Company,
Seaver-Radford Company,
Sentinel Publishing Company, The,

Serranilla Transportation Company,
 Seymour-Clark-Hills Co.,
 Shafer and Green Company,
 Shaw and Tannatt Company,
 Shawmut Paper Manufacturing Company,
 Shepley and Smith Contracting Company,
 Sherman Folsom & Company, Incorporated,
 Sibley, Sawyer & Company, Incorporated,
 Silver City Water and Electric Company,
 Sister Margaret Remedy Company, The,
 Slater Woolen Company,
 Slatine Company of America,
 Slayter Jennings Company, The,
 Smith Carleton Iron Co.,
 Sol Bacharach Company,
 South Abington Shoe Factory Company,
 South Berkshire Independent Telephone and Telegraph
 Company,
 South End Express Company, The,
 South End Hardware Co.,
 Southern Orchard Home Company, The,
 Sovereigns Co-operative Association of Webster, Mass.,
 Speirs Manufacturing Company,
 Spencer Steam Bakery Company, The,
 Spiers-Fish Company, The,
 Springfield Amusement Company, The,
 Springfield Brass Company,
 Springfield Coliseum Company, The,
 Springfield Construction Company, The,
 Springfield Co-operative Company,
 Springfield Co-operative Union Laundry Co., The,
 Spy Company, The,
 Standard Commercial Company,
 Standard Game and Toy Company, The,
 Standard Laundry Company of Lawrence, Mass.,
 Standard Light Company,
 Standard Lumber Company,
 Standard Mirror Company,
 Standard Retail Grocery Company,
 Standard Shoe Counter Company,
 Standard Valve Company,
 Staple Heeling Company, The,
 Star Belting Company,
 Star King Medical Company,
 State Deposit and Loan Company,
 State Manufacturing Company,
 Stationers Manufacturing Company,
 Stevens Clipper Company,

Corporations
 dissolved.

Corporations
dissolved.

Stoneham Dry Goods Company,
Storage Warehouse Company of Melrose, Incorporated,
Suffolk Law and Adjustment Company,
Suffolk Lumber Company,
Suffolk Towboat Company, The,
Sumner & Goodwin Company, The,
Sun Gas Light Company,
Superior Pen Company,
Surgical Linen Company, The,
Sutton Cranberry Company,
Swan and Redington, Incorporated,
Swett & Lewis Company,
Swift's Express Company,
T. A. Earl Company, The,
T. F. Little Oil Company, The,
T. Norris Company,
Taber's Hotel Help Agency Company,
Tait Unit Company,
Talking Machine Supply Manufacturing Company,
Tarbett-Phemister Company,
Taunton Brick Company,
Taunton Herald Company,
Taunton Safe Deposit and Trust Company,
Taunton Shoe Company,
Technical Automobile School of New England, Inc.,
Textile Soap Company,
Thayer and Company, Incorporated,
Thomas and Pike Company,
Thomas Pattison Co.,
Thomas Stone Boat Building Company,
Thomson-Cummings Company, The,
Tilton Publishing Company,
Torkelson Manufacturing Company,
Townsend Co-operative Broom Company, The,
Traders' Advisory Company,
Trading Company,
Transcontinental Refrigerator Car Company,
Tremblay Cash Market, Incorporated, The,
Trinity Dispensary,
Tripp-Lincoln Shoe Company,
Twentieth Century Department Stores, The,
U. S. Poultry Egg and Squab Company,
Ubero Coffee Company, The,
Unexcelled Pen Company, The,
Union Button Sewing Machine Company,
Union Express Company,
Union Express Company,
Union Trading Stamp Company, The,

United Automatic Lighting Company,
 United Bakers & Grocers Association,
 United Cotton Company, The,
 United Display Company,
 United Industrial Securities Company,
 United Mill Supply Company,
 United Railway Construction Company,
 United States Automatic Scale Company,
 United States Compound Oxygen Company, The,
 United States Industrial Company,
 United States Steel Corporation, The,
 United States Translucent Company, The,
 Universal Electric Corporation,
 Universal Manufacturing Company,
 Upton Peat Coal Company, The,
 Utility Appliance Company,
 Vaughan Carriage Company,
 Veerac Motor Car Company,
 Vienna Baking Company,
 Vineyard Haven Marine Railway Company, The,
 Virtue & Company, Incorporated,
 Vista Mining Company,
 W. A. Beaudette Company,
 W. C. Young Manufacturing Company,
 W. H. O'Neill Burial Company,
 W. L. Davis, Incorp.,
 W. M. Burt Company,
 W. N. Snow Company, The,
 W. S. Hurlbut Co.,
 W. W. Phillips Company,
 Wales Bros. Company,
 Walter N. Bates Company, Incorporated,
 Walter S. Washburn Company,
 Waltham Mercantile Company,
 Walworth Light & Power Company,
 Wamesit Steam Mill Company,
 Warren Building and Improvement Company, The,
 Warren Lumber and Fuel Company, The,
 Washington Jewelry Company,
 Watch City Ice & Fuel Company,
 Waterfall Manufacturing Company,
 Wayne Automobile Co. of New England,
 Wayne Whipple Advertising Agency,
 Webers-Nixon Co.,
 Welch & Atwood Company, The,
 Wellesley Co-operative Creamery Association,
 Wentworth Piano Company,
 Wesley Magnetic and Botanic Institute, Incorporated,

Corporations
dissolved.

Corporations
dissolved.

West End Baking Company,
Weymouth Midway Attraction Company, The,
Weymouth Seam-face Granite Company,
Wharff Advertising Sign Company,
Wheeler-Stenzel Company,
Whitcomb Foundry Company,
Whitcomb Manufacturing Co.,
Whitman Light and Power Company,
Wilkes Cranberry Company, The,
William A. Nichols Co.,
William Allen & Sons Company,
William B. Whitaker Company,
William F. Cox, Incorporated,
William Marshall Company,
William T. Bonner Company, The,
William T. True Company, The,
Winchester Press, Incorporated, The,
Wing-Webster Company, Limited,
Winthrop Beach Hotel Company,
Witherby, Rugg and Richardson Company,
Woburn Shoe Stock Company,
Woman's Domestic Guild of America,
Woodland Bronze Works (Incorporated),
Woodville Building Company,
Worcester Automobile Company,
Worcester Color Co.,
Worcester Construction Company, The,
Worcester County Publishing Company,
Worcester Elevator Packing and Supply Company, The,
Worcester Fire Appliance Company, The,
Worcester Last Company,
Worcester Novelty Company,
Worcester Optical Company,
Worcester Spy Company, The,
Worcester Stock and Grain Company,
Worcester Textile Company,
Worcester Umbrella Company,
Worcester Wire Company,
Wright Company, The,
Wright Engraving Company, The,
Yam Leather Company,
Yukon Valley Gold Mining Company, The,
Ziegler Apparatus Company,
Ziegler Electric Company.

Pending suits
not affected,
etc.

SECTION 2. Nothing in this act shall be construed to affect any suit now pending by or against any corporation mentioned in the first section of this act, nor any suit now

pending or hereafter brought for any liability now existing against the stockholders or officers thereof, nor to revive any charter or corporation previously dissolved or annulled, nor to make valid any defective organization of any of the supposed corporations mentioned in said first section.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by any corporation dissolved by this act may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or other process; and the defendant may avail himself of any matter of defence of which he might have availed himself, in a suit upon the claim by such corporation, had it not been dissolved by this act.

Proceedings in suits upon choses in action.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1907.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE TOWN OF WRENTHAM MAY ACCEPT THE ACT TO AUTHORIZE SAID TOWN TO SUPPLY ITSELF WITH WATER.

Chap. 291

Be it enacted, etc., as follows:

SECTION 1. The time in which chapter eighty-six of the acts of the year nineteen hundred and four, entitled "An Act to authorize the town of Wrentham to supply itself with water", may be accepted by said town, is hereby extended to the sixteenth day of February in the year nineteen hundred and eight.

Extending the time in which the town of Wrentham may accept a certain act.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1907.

AN ACT TO EXTEND THE PROVISIONS OF THE CIVIL SERVICE ACT IN THE TOWN OF HYDE PARK.

Chap. 292

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter nineteen of the Revised Laws entitled, "Of the Civil Service", and all acts in amendment thereof and in addition thereto, and the civil service rules established thereunder, are hereby extended and made applicable to the head of the police department in the town of Hyde Park.

Provisions of civil service act in the town of Hyde Park extended, etc.

SECTION 2. This act shall take effect upon its acceptance by a majority vote of the voters of said town present

When to take effect.

and voting thereon at a town meeting duly called for the purpose within three years after its passage.

When to take effect.

SECTION 3. For the purpose of enabling the voters of said town to take action upon the acceptance of this act it shall take effect upon its passage.

Approved April 13, 1907.

Chap.293 AN ACT TO REGULATE FURTHER THE SALE OF FRUIT AND PRODUCE.

Be it enacted, etc., as follows:

Sale of fruit and produce regulated.

SECTION 1. The provisions of section seventy-three of chapter fifty-six of the Revised Laws shall not apply to persons, firms or corporations engaged in the wholesale fruit and vegetable business, who, at the time of sale of fruit or vegetables in the original package, make known to the purchaser the partly decayed condition of the articles in said packages.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1907.

Chap.294 AN ACT RELATIVE TO THE DISCHARGE OF MORTGAGES.

Be it enacted, etc., as follows:

Discharge of mortgages.

A mortgage may be discharged by a written acknowledgment of payment or satisfaction of the debt thereby secured, or of the conditions therein contained, signed and sealed by the mortgagee, or by his executor, administrator or assignee. Such instrument shall have the same effect as a deed of release and shall be valid if executed by one of two or more joint holders of a mortgage, and may be recorded when duly acknowledged or on proof of its execution in accordance with the provisions of sections twelve, thirteen, fourteen, fifteen and sixteen of chapter one hundred and twenty-seven of the Revised Laws.

Approved April 13, 1907.

Chap.295 AN ACT TO ENLARGE THE POWERS OF THE SCHOOL COMMITTEE OF THE CITY OF BOSTON IN RESPECT TO PHYSICAL EDUCATION.

Be it enacted, etc., as follows:

Powers of school committee of the city of Boston enlarged.

SECTION 1. The school committee of the city of Boston, within the limit of the appropriations for such purposes made by it as hereinafter authorized or under existing

authority of law, shall, during the summer vacation and such other part of the year as it may deem advisable, organize and conduct physical training and exercises, athletics, sports, games, and play, and shall provide proper apparatus, equipment and facilities for the same in the buildings, yards and playgrounds under the control of said committee, or upon any other land which it may have the right to use for this purpose.

SECTION 2. The said committee shall use for the purposes aforesaid such of the playgrounds, gymnasias or buildings under the control of the park commission of said city as the school committee may deem suitable therefor, and may equip the same therefor, such use to be subject however to such reasonable regulations and conditions as the park commission may prescribe: *provided, also*, that such use shall not extend to any playground, gymnasium or building under the control of the park commission which said commission shall by vote approved by the mayor declare to be unsuitable for such use.

Use of playgrounds, etc.

Proviso.

SECTION 3. Appropriations for the abovenamed purposes shall be made by the school committee in the same manner in which it makes appropriations for the support of the public schools, and the total amount of the appropriations which said committee is authorized by law to make is hereby increased for the current financial year of the city by two cents upon each one thousand dollars of the valuation on which the appropriations of the city council are based, and by two cents additional, or four cents in all, for each subsequent year; but the amount of said increase shall be appropriated solely for the purposes mentioned in this act.

Appropriations.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1907.

AN ACT RELATIVE TO THE SALE OF TROUT ARTIFICIALLY REARED. Chap. 296

Be it enacted, etc., as follows:

SECTION 1. Section sixty-six of chapter ninety-one of the Revised Laws is hereby amended by striking out the words "during February and March", in the third line, and inserting in place thereof the words:—from February first to April fifteenth,—so as to read as follows:—

R. L. 91, § 66, amended.

Sale of trout
artificially
reared.

Section 66. Trout not less than nine inches in length, which are hatched from the egg in the house of the owner and grown in pools of said owner, may be sold for food from February first to April fifteenth.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1907.

Chap. 297 AN ACT RELATIVE TO THE PROTECTION OF SEED SCALLOPS.

Be it enacted, etc., as follows:

Protection of
seed scallops.

SECTION 1. For the purposes of this act a seed scallop shall be a scallop with a bright, thin, slightly curved shell, with no foreign growth adherent, the shell having no sharply defined growth line, and the animal being less than one year old.

Scallops not
to be held in
captivity, etc.

SECTION 2. No uncultured or seed scallops taken from the flats or tide waters of the Commonwealth shall be held in captivity. Seed scallops so taken shall be culled out and returned alive and uninjured to tide water which is at least three feet deep at mean low tide.

Penalty.

SECTION 3. Whoever takes or has in possession a seed scallop taken from the flats or tide waters of the Commonwealth and fails to return it immediately to tide water as provided in the preceding section, shall be punished by a fine of not less than five nor more than twenty dollars for each offence. Possession of a seed scallop shall be prima facie evidence that such seed scallop was taken from the flats or tide waters of the Commonwealth contrary to law.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved April 15, 1907.*

Chap. 298 AN ACT RELATIVE TO FISHING IN WESTPORT RIVER.

Be it enacted, etc., as follows:

R. L. 91, § 128,
amended.

SECTION 1. Section one hundred and twenty-eight of chapter ninety-one of the Revised Laws is hereby amended by striking out the words "the town of Westport, except as provided in the following section", in the second and third lines, and inserting in place thereof the words:— Westport river between the first day of May and the first day of November, — by striking out the words "one hundred", in the fourth line, and inserting in place thereof the word:— fifty, — and by striking out the words "all fish so taken shall be forfeited to the Commonwealth", in

the sixth and seventh lines, and inserting in place thereof the words:— it shall be the duty of every officer designated in section four of this chapter to seize fish killed contrary to the provisions of this chapter and to report the seizure to the commissioners on fisheries and game, who shall authorize the sale of such fish; and the proceeds of any such sale, after paying the expenses thereof, shall be paid into the treasury of the Commonwealth, — so as to read as follows:— *Section 128.* Whoever draws, sets, stretches or uses any net, purse or seine of any kind for taking fish in the waters of Westport river between the first day of May and the first day of November shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than three months, or by both such fine and imprisonment; and it shall be the duty of every officer designated in section four of this chapter to seize fish killed contrary to the provisions of this chapter and to report the seizure to the commissioners on fisheries and game, who shall authorize the sale of such fish; and the proceeds of any such sale, after paying the expenses thereof, shall be paid into the treasury of the Commonwealth.

Fishing in Westport river regulated.

SECTION 2. Section one hundred and twenty-nine of said chapter ninety-one is hereby repealed.

Repeal.

Approved April 15, 1907.

AN ACT RELATIVE TO THE DUTIES OF THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME WITH RESPECT TO FOREST AND OTHER FIRES.

Chap. 299

Be it enacted, etc., as follows:

The commissioners on fisheries and game and their duly authorized deputies may arrest without a warrant any person found in the act of unlawfully setting a fire. Said commissioners and their deputies may require assistance according to the provisions of section twenty of chapter thirty-two of the Revised Laws, and they shall take precautions to prevent the progress of forest fires, or the improper kindling thereof, and upon the discovery of any such fire shall immediately summon the necessary assistance, and notify the forest fireward of the town.

Duties of commissioners on fisheries and game in respect to forest fires, etc.

Approved April 15, 1907.

Chap.300 AN ACT RELATIVE TO FINES AND FORFEITURES ACCRUING UNDER THE PROVISIONS OF LAWS RELATING TO BIRDS MAMMALS AND GAME.

Be it enacted, etc., as follows:

R. L. 92, § 20,
etc., amended.

Section twenty of chapter ninety-two of the Revised Laws, as amended by chapter four hundred and forty-five of the acts of the year nineteen hundred and five, is hereby further amended by striking out the words "this chapter", in the second line, and inserting in place thereof the words: — laws relating to birds, mammals and game, — so as to read as follows: — *Section 20.* All fines and forfeitures accruing under the provisions of laws relating to birds, mammals and game shall be paid and disposed of in accordance with the provisions of section one hundred and thirty-seven of chapter ninety-one.

Disposition of
fines.

Approved April 15, 1907.

Chap.301 AN ACT TO PROHIBIT THE TAKING OF FISH BY NETS AND SEINES IN THE WATERS OF BARNSTABLE AND MASHPEE ON NANTUCKET SOUND.

Be it enacted, etc., as follows:

Taking of fish
by nets and
seines pro-
hibited in cer-
tain waters.

SECTION 1. After the passage of this act no person shall draw, set, stretch or use any purse or sweep seine of any kind, except as is hereinafter provided, for taking fish anywhere in the waters of the towns of Barnstable or Mashpee on Nantucket Sound, so-called, northerly of or within a straight line extended from Point Gammon to Succonessett Point; nor in any bay, harbor, cove or bight of said waters, nor in any inlet or stream flowing into the same: *provided, however,* that nothing herein contained shall be so construed as to forbid or make unlawful the catching of menhaden or other small fish for bait purposes, nor the use of nets for the taking of herring, nor the use of dredges or drag nets for the taking of scallops.

Proviso.

Penalty.

SECTION 2. Whoever violates any provision of this act, or aids or assists in so doing, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each offence, or by imprisonment for a term not exceeding six months.

Nets and
seines, etc., to
be declared
public nuis-
ances, etc.

SECTION 3. Any net, seine or movable device for catching fish used in violation of any provision of this act, together with any boat, craft, vessel, steamer or fishing

apparatus employed in such illegal use, and any fish found therewith, are hereby declared to be public nuisances and forfeited; and it shall be lawful for any inhabitant of said Barnstable or Mashpee, or any constable, police officer or deputy sheriff in the Commonwealth, to seize and detain, without warrant, for a period not exceeding forty-eight hours, any such net, seine or movable device, boat, craft, vessel, steamer or fishing apparatus found in use contrary to the provisions of this act, and any fish found therewith, to the end that the same may be libelled, if necessary, by due process of law. District courts and trial justices shall have concurrent jurisdiction with the superior court of all offences and proceedings under the provisions of this act, regardless of the value of the property libelled.

Approved April 15, 1907.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 302

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to wit: —

Appropriations.

For certain incidental expenses of the superior court, as authorized by chapter eighty of the acts of the present year, a sum not exceeding four hundred dollars.

Expenses of superior court.

For additional clerks, examiners, stenographers and other clerical assistance in the office of the auditor of accounts, as authorized by chapter one hundred and thirty-nine of the acts of the present year, a sum not exceeding thirty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Auditor of accounts, clerks, etc.

For the Massachusetts Agricultural College, as authorized by chapter four of the resolves of the present year, the sum of three hundred twenty dollars and thirty-five cents.

Massachusetts Agricultural College.

For Lemuel D. Burr and Anna Burr, as authorized by chapter five of the resolves of the present year, the sum of one hundred and fifty dollars.

Lemuel D. Burr and Anna Burr.

For the preservation of the war records in the office of the adjutant general, as authorized by chapter six of the resolves of the present year, a sum not exceeding fifteen

War records in the office of the adjutant general.

hundred dollars, the same to be in addition to any amounts heretofore appropriated for this purpose.

Revolutionary records.

For compiling, indexing and publishing the records of Massachusetts soldiers and sailors who served in the revolutionary war, as authorized by chapter eight of the resolves of the present year, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Grand Army of the Republic.

For expenses in connection with furnishing to the department of the Massachusetts Grand Army of the Republic a list of names of those persons who served in the civil war, as authorized by chapter nine of the resolves of the present year, a sum not exceeding one thousand dollars.

Ladies City Mission Society of New Bedford.

For the Ladies City Mission Society of New Bedford, as authorized by chapter ten of the resolves of the present year, the sum of three hundred fifteen dollars and eighty-six cents.

State house guide book.

For reprinting the state house guide book, as authorized by chapter eleven of the resolves of the present year, a sum not exceeding one thousand dollars.

Trustees of Soldiers' Home.

For the Trustees of the Soldiers' Home in Massachusetts, as authorized by chapter twelve of the resolves of the present year, the sum of sixty thousand dollars.

Committee on laws relating to insurance.

For printing the report of the joint special committee appointed to revise, consolidate and arrange the general laws relating to insurance, as authorized by chapter thirteen of the resolves of the present year, a sum not exceeding two hundred and fifty dollars.

Committee on laws relating to taxation.

For printing the report of the joint special committee appointed to revise, consolidate and arrange the general laws relating to taxation, as authorized by chapter fourteen of the resolves of the present year, a sum not exceeding two hundred and fifty dollars.

Codification of election laws.

For expenses in connection with the codification of the election laws, as authorized by chapter sixteen of the resolves of the present year, a sum not exceeding seven hundred and fifty dollars.

Special report on birds.

For preparing and printing a special report on the birds of the Commonwealth, as authorized by chapter seventeen of the resolves of the present year, a sum not exceeding eleven hundred twenty-eight dollars and eighty cents.

For Lavinia A. Barbour, as authorized by chapter eighteen of the resolves of the present year, the sum of one hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Lavinia A.
Barbour.

For the town of Dalton, as authorized by chapter nineteen of the resolves of the present year, the sum of twenty-six hundred eighteen dollars and seventy-six cents.

Town of
Dalton.

For the expenses of a rifle team to participate in competitions for national and other trophies, as authorized by chapter twenty-two of the resolves of the present year, a sum not exceeding three thousand dollars.

Competitions
for national
and other
trophies.

For the payment of an annuity from the treasury of the Commonwealth to Wilma D. Bent, as authorized by chapter twenty-three of the resolves of the present year, the sum of one hundred and fifty dollars.

Wilma D.
Bent.

For expenses in connection with the examination of the general laws relating to savings banks, as authorized by chapter twenty-four of the resolves of the present year, a sum not exceeding five hundred dollars.

Examination
of savings
banks.

For a survey of Rock harbor in the town of Orleans, as authorized by chapter twenty-five of the resolves of the present year, a sum not exceeding two hundred dollars.

Survey of
Rock harbor.

For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Rent of tele-
phones, etc.

For current expenses at the state industrial school for girls, a sum not exceeding six hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

State indus-
trial school
for girls.

To provide for reimbursing certain members of company M, sixth regiment of infantry, Massachusetts volunteer militia, for personal property destroyed by fire, as authorized by chapter twenty-six of the resolves of the present year, a sum not exceeding two hundred and twenty-three dollars.

Company M,
sixth regiment,
of the militia.

For the payment of an annuity to Carrie Adelia Chaplin, as authorized by chapter twenty-seven of the resolves of the present year, the sum of seventy-two dollars.

Carrie Adelia
Chaplin.

To provide for the payment of the Commonwealth's share of the expenses incurred in completing the work of locating, defining and marking the boundary line between

Boundary line
between Mas-
sachusetts and
Connecticut.

the Commonwealth of Massachusetts and the state of Connecticut, as authorized by chapter thirty-one of the resolves of the present year, a sum not exceeding one thousand dollars.

Survey of
Sesuit harbor.

For the survey of the entrance to Sesuit harbor in the town of Dennis, as authorized by chapter thirty-two of the resolves of the present year, a sum not exceeding two hundred dollars.

Ella Raymond.

For an annuity to Ella Raymond, as authorized by chapter thirty-three of the resolves of the present year, the sum of three hundred dollars.

Assistant clerk,
supreme judicial court,
county of
Suffolk.

For the salary of the assistant clerk of the supreme judicial court for the county of Suffolk, as authorized by chapter one hundred and forty-five of the acts of the present year, the sum of five hundred dollars.

Monument at
Newbern, N. C.

For the erection of a monument in the national cemetery at Newbern, North Carolina, as authorized by chapter thirty-four of the resolves of the present year, a sum not exceeding five thousand dollars.

Massachusetts
Agricultural
College.

For the Massachusetts Agricultural College, as authorized by chapter thirty-five of the resolves of the present year, the sum of four thousand dollars.

Mexican Central
Railway
Company,
Limited.

For the Mexican Central Railway Company, Limited, for reimbursement of taxes inadvertently assessed, as authorized by chapter thirty-six of the resolves of the present year, the sum of twenty-three thousand nine hundred three dollars and ninety-one cents.

Clerical assistance to register
of probate,
Hampden
county.

For additional clerical assistance in the office of the register of probate and insolvency for the county of Hampden, as authorized by chapter two hundred and six of the acts of the present year, the sum of six hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Assistant register of probate,
etc., Barnstable county.

For the salary of the assistant register of probate and insolvency for the county of Barnstable, as authorized by chapter two hundred and seven of the acts of the present year, the sum of five hundred and fifty dollars.

Inspection of
milk, etc.

For salaries and expenses in connection with the inspection of milk, food and drugs, as authorized by chapter two hundred and eight of the acts of the present year, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

For certain repairs and improvements at the prison camp and hospital at Rutland, as authorized by chapter thirty-seven of the resolves of the present year, a sum not exceeding twelve thousand five hundred dollars, the same to be paid out of the State Prison Industries Fund.

Prison camp
and hospital
at Rutland.

For painting, repairs and certain other improvements at the Massachusetts reformatory, as authorized by chapter thirty-eight of the resolves of the present year, a sum not exceeding twenty-five thousand five hundred dollars, the same to be paid out of the Massachusetts Reformatory Industries Fund.

Massachusetts
reformatory.

For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter forty of the resolves of the present year, the sum of thirty-five thousand dollars.

Massachusetts
Charitable Eye
and Ear In-
firmiry.

For printing additional copies of the annual report of the superintendent for the suppression of the gypsy and brown tail moths, as authorized by chapter forty-one of the resolves of the present year, a sum not exceeding two hundred and fifty dollars.

Suppression of
gypsy and
brown tail
moths, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1907.

AN ACT RELATIVE TO THE SALE OR POSSESSION OF SMALL LOBSTERS.

Chap. 303

Be it enacted, etc., as follows:

SECTION 1. Section eighty-eight of chapter ninety-one of the Revised Laws is hereby amended by striking out the words "ten and one half", in the second line, and inserting in place thereof the word: — nine, — by striking out the words "ten and one quarter", in the third line, and inserting in place thereof the words: — eight and three quarters, — so as to read as follows: — *Section 88.* Whoever sells or offers for sale or has in his possession an uncooked lobster less than nine inches in length, or a cooked lobster less than eight and three quarters inches in length, measuring from the extremity of the bone protruding from the head to the end of the bone of the middle flipper of the tail of the lobster, extended on its back its natural length, shall forfeit not more than five dollars for every such lobster, one half to the use of the city or town in which the offence is committed and one half to the Commonwealth; and in all prosecutions under the provisions of this section

R. L. 91, § 88,
amended.

Penalty for
selling small
lobsters, etc.

any mutilation of a lobster, cooked or uncooked, which affects its measurement shall be prima facie evidence that the lobster is less than the required length and the possession of any lobster, cooked or uncooked, which is not of the required length shall be prima facie evidence to convict.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1907.

Chap.304 AN ACT TO ESTABLISH THE SALARY OF HENRY D. COOLIDGE AS CLERK OF THE SENATE AND THE SALARY OF JAMES W. KIMBALL AS CLERK OF THE HOUSE OF REPRESENTATIVES.

Be it enacted, etc., as follows:

Salaries of
clerks of the
senate and
house of repre-
sentatives.

SECTION 1. The salary of Henry D. Coolidge as clerk of the senate and the salary of James W. Kimball as clerk of the house of representatives shall each be thirty-five hundred dollars a year, to be so allowed from the first day of January in the year nineteen hundred and seven.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1907.

Chap.305 AN ACT RELATIVE TO THE NUMBER OF OFFICERS, MEN AND HORSES FOR FIELD ARTILLERY IN THE MILITIA.

Be it enacted, etc., as follows:

Officers and
men, etc., of
the field artil-
lery of the
militia.

SECTION 1. The commander-in-chief may from time to time, by order, prescribe the number of officers and enlisted men, and the number of officers and enlisted men to be mounted, and the number of draft horses for each carriage, in batteries of field artillery equipped with the three-inch breech-loading guns, so as to conform to the provisions of the act of congress of January twenty-first, nineteen hundred and three, relative to organizing, arming and equipping the militia, and acts in amendment thereof, and to the army regulations and orders made under said provisions.

1905, 465, § 83,
etc., amended.

SECTION 2. Section eighty-three of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five, as amended by chapters two hundred and twelve and five hundred and four of the acts of the year nineteen hundred and six, is hereby further amended by striking out the word "continuous", wherever it occurs in the sixth,

tenth, twelfth and sixteenth lines of said section as amended by section six of said chapter five hundred and four.

SECTION 3. So much of sections twenty-nine and one hundred and fifty-eight of said chapter four hundred and sixty-five as is inconsistent herewith is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 18, 1907.

AN ACT RELATIVE TO THE STOCKING OF GREAT PONDS WITH FOOD FISH. Chap.306

Be it enacted, etc., as follows:

Section nineteen of chapter ninety-one of the Revised Laws, as amended by chapter two hundred and seventy-four of the acts of the year nineteen hundred and three, is hereby further amended by striking out the words "or of thirty or more inhabitants thereof", in the third and fourth lines, so as to read as follows: — *Section 19.* The commissioners, upon the petition of the mayor and aldermen of a city or of the selectmen of a town within which a great pond or a portion thereof is situated, shall cause the waters of such pond to be stocked with such food fish as they judge to be best suited to such waters. They shall thereupon prescribe, for a period not exceeding three years, such reasonable regulations relative to the fishing in such ponds and their tributaries, with such penalties, not exceeding twenty dollars for one offence, as they deem to be for the public interest, and shall cause such regulations to be enforced. The commissioners may restock a pond with fish and extend the provisions of this section for an additional period of three years whenever they receive a petition therefor as herein provided. Five hundred dollars shall be annually appropriated by the Commonwealth to carry out the provisions of this section.

R. L. 91, § 19,
etc., amended.

Stocking
great ponds.

Approved April 18, 1907.

AN ACT RELATIVE TO THE PROTECTION OF DEER.

Chap.307

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety-two of the Revised Laws is hereby amended by striking out section seventeen, as amended by chapter four hundred and nineteen of the acts of the year nineteen hundred and five, and inserting in

R. L. 92, § 17,
etc., amended.

Preservation of
deer.

Proviso.

place thereof the following:—*Section 17.* Whoever, before the first day of November in the year nineteen hundred and eight, hunts, chases, wounds or kills a deer, or sells or offers for sale or has in his possession for the purpose of sale, a deer captured or killed in Massachusetts, except his own tame deer, kept on his own grounds, shall forfeit one hundred dollars for each offence: *provided, however,* that nothing contained herein shall prevent a farmer or other person from chasing, wounding or killing, by use of a shot gun, any deer found injuring or destroying any crop or fruit tree upon cultivated land owned or occupied by him. Any farmer or other person killing a deer found injuring or destroying any crop or fruit tree, as aforesaid, shall forfeit the sum of one hundred dollars, unless he shall in writing, under his signature, report such killing forthwith to the clerk of the city or town in which the deer was killed. The report shall state the time and place of the killing and the crop or tree which was being injured or destroyed by the deer, and shall be recorded by the clerk receiving it, who shall thereupon forward it to the board of commissioners on fisheries and game.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1907.

Chap. 308 AN ACT TO AUTHORIZE THE REVOCATION OF CERTIFICATES GRANTED TO DRUGGISTS AND APOTHECARIES BY THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

R. L. 100, § 23,
amended.

Certificate of
fitness for
license, etc.

SECTION 1. Section twenty-three of chapter one hundred of the Revised Laws is hereby amended by striking out all after the word "thereof", in the seventh line, and inserting in place thereof the words:—The board may, after giving a hearing to the parties interested, revoke such certificate for any cause that it may deem proper, — so as to read as follows:—*Section 23.* The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. The board may, after giving a hear-

ing to the parties interested, revoke such certificate for any cause that it may deem proper.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1907.

AN ACT RELATIVE TO ENTERTAINMENTS IN SCHOOL BUILDINGS. *Chap.309*

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and seventy-three of chapter one hundred and two of the Revised Laws, as amended by section five of chapter four hundred and sixty of the acts of the year nineteen hundred and four, is hereby further amended by adding at the end thereof the words: — or to entertainments given in school buildings by, or for the benefit of, the pupils thereof, and under the supervision of the principal or teacher in charge of the school classes therein, — so as to read as follows: — *Section 173.* Whoever offers to view, sets up, sets on foot, maintains, carries on, publishes or otherwise assists in or promotes any such exhibition, show or amusement, without such license, shall be punished by a fine of not more than five hundred dollars for each offence. The provisions of this section and of the last preceding section, however, shall not apply to public entertainments by religious societies in their usual places of worship for a religious or charitable purpose, or to entertainments given in school buildings by, or for the benefit of, the pupils thereof, and under the supervision of the principal or teacher in charge of the school classes therein.

R. L. 102,
§ 173, etc.,
amended.

Shows or
amusements,
penalty for
promoting,
etc., without
license.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1907.

AN ACT TO CONFIRM THE ACTS OF CERTAIN TAX COLLECTORS OF THE TOWN OF HOLBROOK. *Chap.310*

Be it enacted, etc., as follows:

SECTION 1. The election of tax collectors of the town of Holbrook for the years eighteen hundred and ninety-one to nineteen hundred and seven, inclusive, is hereby confirmed, notwithstanding any informality in their election, and the doings of the said collectors in the said years are hereby legalized and made valid to the same extent as if no such informality had existed.

Confirming
certain acts of
tax collectors
of the town of
Holbrook.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1907.

Chap.311 AN ACT TO AUTHORIZE TOWNS TO APPROPRIATE MONEY FOR
AN OLD HOME WEEK OR DAY.

Be it enacted, etc., as follows:

Towns may appropriate money for an old home week, etc.

SECTION 1. Any town may at any time, at a legal town meeting, appropriate money for the observance of an old home week or day, to take place during any week or upon any day of the year during which the appropriation is made.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1907.

Chap.312 AN ACT RELATIVE TO THE SERVICE OF VENIRES BY OFFICERS
OF THE SUPREME JUDICIAL COURT IN THE COUNTY OF
SUFFOLK.

Be it enacted, etc., as follows:

Service of venires by officers of the supreme judicial court, county of Suffolk.

SECTION 1. Any officer in attendance upon the supreme judicial court in the county of Suffolk, as provided by section sixty-nine of chapter one hundred and sixty-five of the Revised Laws, including the messenger of the justices of said court, may at any time be designated by the sheriff of said county to serve venires for jurors and the processes of said court, and when so designated shall have the authority of constables for said purposes, and shall be paid by said county their actual expenses necessarily incurred in making such services.

Bond to be given.

SECTION 2. Each of the officers so designated shall give to the sheriff of said county a bond with sufficient sureties in the sum of fifteen hundred dollars for the faithful performance of his duties.

SECTION 3. This act shall take effect upon its passage.

Approved April 18, 1907.

Chap.313 AN ACT TO CONFIRM CERTAIN ACTS OF THE TOWN OF DENNIS.

Be it enacted, etc., as follows:

Certain acts of the town of Dennis confirmed.

SECTION 1. The action of the town of Dennis at the annual town meeting in the year nineteen hundred and seven in voting to move the almshouse in that town, and in appropriating one thousand dollars for the purpose, is hereby confirmed and ratified.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1907.

AN ACT RELATIVE TO REGISTRATION IN VETERINARY MEDICINE. *Chap. 314*

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter two hundred and forty-nine of the acts of the year nineteen hundred and three is hereby amended by striking out after the word "who", in the second line, the words "shall practice veterinary medicine or any branch thereof in this Commonwealth shall be", and inserting in place thereof the words: — holds himself out as a practitioner of veterinary medicine, or practices, or attempts to practice veterinary medicine in any of its branches in this Commonwealth, shall for each offence be deemed, — so as to read as follows: —

Section 8. Any person not registered as provided by this act who holds himself out as a practitioner of veterinary medicine, or practices, or attempts to practice veterinary medicine in any of its branches in this Commonwealth, shall for each offence be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than fifty dollars or by imprisonment for a term not exceeding two months, or by both such fine and imprisonment.

1903, 249, § 8,
amended.

Penalty for
non-registra-
tion.

SECTION 2. Section nine of said chapter two hundred and forty-nine is hereby amended by inserting after the word "act", in the fourth line, the words: — nor to prohibit farmers from rendering services to their neighbors if they do not hold themselves out as veterinary practitioners under the provisions of this act, — so as to read as follows: —

Section 9. The provisions of this act shall not be construed to prohibit advice or service, in a case of emergency, by a person not entitled to practice veterinary medicine under this act, nor to prohibit farmers from rendering services to their neighbors if they do not hold themselves out as veterinary practitioners under the provisions of this act, and the provisions of section nine of chapter seventy-six of the Revised Laws relating to the practice of medicine within the Commonwealth by physicians and surgeons shall, so far as they may be applicable, apply to the practice of veterinary medicine or any branch thereof by veterinarians.

1903, 249, § 9,
amended.

Not to prohibit
the giving of
advice in cer-
tain cases.

SECTION 3. This act shall take effect upon its passage.

Approved April 18, 1907.

Chap.315 AN ACT RELATIVE TO CONSTRUCTING WAYS ACROSS THE LOCATIONS OF RAILROAD CORPORATIONS.

Be it enacted, etc., as follows:

1906, 463,
§ 116, Part II,
amended.

Repair of
bridges, etc.

SECTION 1. Section one hundred and sixteen of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by striking out the words "the five following sections", at the end thereof, and inserting in place thereof the words:— sections twenty-three to twenty-eight, inclusive, of Part I, — so as to read as follows:— *Section 116.* Every railroad corporation shall, except as provided in sections twenty-nine to forty-five, inclusive, of Part I, at its own expense, construct, maintain and keep in repair all bridges, with their approaches and abutments, which it is authorized or required to construct over or under a canal or public way; and a city or town may recover of the railroad corporation whose railroad crosses a public way therein all damages, charges and expenses incurred by such city or town by reason of the neglect or refusal of the corporation to erect or keep in repair all structures required or necessary at such crossing; but if, after the laying out and building of a railroad, the county commissioners authorize a public way to be laid out across the railroad, all expenses of and incident to constructing and maintaining the way at such crossing shall be borne by the county, city, town or other owner of the same, unless otherwise determined by an award of a special commission, under proceedings in accordance with the provisions of sections twenty-three to twenty-eight, inclusive, of Part I.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1907.

Chap.316 AN ACT RELATIVE TO THE BOARD OF GAS AND ELECTRIC LIGHT COMMISSIONERS.

Be it enacted, etc., as follows:

R. L. 121, § 1,
amended.

SECTION 1. Section one of chapter one hundred and twenty-one of the Revised Laws is hereby amended by striking out the words "and shall not engage in any other business", in the twelfth and thirteenth lines, so as to read

as follows:—*Section 1.* There shall be a board of gas and electric light commissioners consisting of three persons, citizens of this Commonwealth, one of whom shall annually before the first day of July be appointed by the governor, with the advice and consent of the council, for a term of three years from said day. The commissioners shall be sworn to the faithful performance of their official duties. They shall not be in the employ of or own any stock in any gas or electric light company or be in any way, directly or indirectly, pecuniarily interested in the manufacture or sale of gas or electric light or of any article or commodity used by gas or electric light companies or used for any purpose connected with the manufacture or sale of gas or electric light. The governor shall designate the chairman of the board and may, with the advice and consent of the council, remove any member for cause after notice and hearing. The chairman of the board shall receive from the Commonwealth an annual salary of four thousand dollars and each of the other two members an annual salary of three thousand five hundred dollars. The board shall be provided with an office in the state house or in some other suitable place in the city of Boston in which their records shall be kept.

Board of gas and electric light commissioners, appointment, etc.

Chairman of the board.

Salaries.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1907.

AN ACT TO INCORPORATE THE MEEKINS LIBRARY.

Chap. 317

Be it enacted, etc., as follows:

SECTION 1. George H. Ames, Henry W. Hill and Wilbur M. Purrington, all of Williamsburg and trustees under the last will of Stephen Meekins, late of Williamsburg, and their associates and successors, are hereby made a corporation by the name of the Meekins Library, for the purpose of establishing and maintaining in the town of Williamsburg a library, under and in accordance with the terms and provisions of said will, and of otherwise executing and carrying out the trusts and purposes of said will; and said corporation shall have and exercise all the rights, powers, privileges and authority given to or vested in said trustees by said will, and shall also have and exercise all the powers and privileges and be subject to all the duties,

The Meekins Library incorporated.

restrictions and liabilities contained in all general laws now or hereafter in force relating to such corporations.

Members of
corporation.

SECTION 2. The corporation shall consist of the aforesaid incorporators and of such other person or persons as may be elected under the terms of the said will.

Corporation to
have authority
to receive
bequests, etc.

SECTION 3. Said corporation shall have authority to receive all the real and personal estate given, bequeathed and devised by said will to the trustees therein named, and also to receive and acquire other real and personal estate by grant, devise, bequest, gift or subscription, to an amount not exceeding in the whole one hundred thousand dollars, and to hold, use and expend the same under the trusts and for the objects set forth in said will.

Powers.

SECTION 4. Said corporation shall have power to do all acts and things necessary or expedient to carry out the provisions and the objects of the said will and of this act.

SECTION 5. This act shall take effect upon its passage.

Approved April 18, 1907.

Chap. 318 AN ACT RELATIVE TO THE REMOVAL OF SNOW BY STREET RAILWAY COMPANIES AND TO THE APPLICATION OF TAXES RECEIVED FROM SUCH COMPANIES.

Be it enacted, etc., as follows:

1906, 463,
§ 137, Part
III, amended.

SECTION 1. Section one hundred and thirty-seven of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by striking out all after the word “maintenance”, in the seventh line, and inserting in place thereof the words:—of the public ways and removal of snow therefrom within such city or town,—so as to read as follows:—*Section 137.* All taxes which are collected from a street railway company and paid to a city or town under the provisions of the preceding section, of section one hundred and thirty-two, and of section twenty-eight of chapter five hundred and seventy-eight of the acts of the year eighteen hundred and ninety-eight, shall be applied towards the repair and maintenance of the public ways and the removal of snow therefrom within such city or town.

Application of
taxes.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1907.

AN ACT RELATIVE TO EXAMINATIONS OF TRUST COMPANIES. *Chap. 319*

Be it enacted, etc., as follows:

SECTION 1. The stockholders of every trust company doing business within the Commonwealth shall elect at their annual meeting an examining committee of not less than three stockholders for the ensuing year. No officer or member of the executive or finance committee of the board of directors shall be a member of the examining committee.

Trust companies to elect an examining committee, etc.

SECTION 2. At least once in each year the committee, without previous notice to the officers or directors of the corporation, shall make or cause to be made a thorough examination of the assets and liabilities of the corporation, including those of its trust department. Within ten days after the completion of such examination the committee shall file in the office of the bank commissioner a report thereof in writing, sworn to by each member of the committee making the examination, and a duplicate of the report shall be read to the directors and to the stockholders at their meetings immediately following the completion of the report.

Examination of assets and liabilities, etc.

Sworn report to be made.

SECTION 3. The report aforesaid shall be made on forms to be furnished by the bank commissioner and shall contain a statement of the assets and liabilities of the corporation, including those of its trust department, together with such other information as the bank commissioner may require. It shall also specify in detail any loans or discounts which, in the opinion of the committee, are worthless or of doubtful value, and any loans made on collateral security which in their opinion is of doubtful value or not readily marketable, together with their reasons for so regarding them.

Report to specify certain details, etc.

SECTION 4. If upon receipt of the report or if upon examination of any such corporation a further examination or audit of its books and affairs shall appear necessary, the bank commissioner may cause to be made by an expert, at the expense of the corporation, such further examination or audit as he may consider necessary.

Further examination may be made by an expert.

SECTION 5. This act shall take effect upon its passage.

Approved April 22, 1907.

Chap. 320 AN ACT RELATIVE TO REPORTS OF CONDITION BY TRUST COMPANIES.

Be it enacted, etc., as follows:

R. L. 116, § 36,
amended.

Returns to be
made to com-
missioners of
savings banks,
etc.

SECTION 1. Section thirty-six of chapter one hundred and sixteen of the Revised Laws is hereby amended by striking out the word "four", in the fourth line, and inserting in place thereof the word:—five,—so as to read as follows:—*Section 36.* Such corporation shall annually, within ten days after the last business day of October, and at such other times as the board of commissioners of savings banks may require, but not exceeding five times within any calendar year, make a return to said board, signed and sworn to by its president and secretary, treasurer or actuary and a majority of its board of directors, showing accurately the condition of such corporation at close of business on said day; and said return shall specify the following: capital stock; amount of all money and property in detail in the possession or charge of said corporation as deposits; amount of deposits payable on demand or within ten days; amount of trust guaranty fund; trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states, counties, cities or towns; investments in bank stock, railroad stock and railroad bonds, stating amount in each; loans on notes of corporations; loans on notes of individuals; loans on mortgages of real estate; cash on hand, rate, amount and date of dividends since last return, and such other information as the board of commissioners of savings banks may require. Such return shall be in the form of a trial balance of its books and shall specify the different kinds of its liabilities and assets, with the amount of each kind, in accordance with a blank form to be furnished by said board and shall be published by and at the expense of such corporation in a newspaper of the city or town in which such corporation is located, at such times and in such manner as may be directed by said board, and in the annual report of said board.

Form of
return, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1907.

AN ACT RELATIVE TO AUTHORIZING THE STATE BOARD OF AGRICULTURE TO APPOINT A STATE NURSERY INSPECTOR, AND TO PROVIDE FOR THE PROTECTION OF TREES AND SHRUBS. Chap. 321

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and ninety-five of the acts of the year nineteen hundred and two is hereby amended by striking out the word "three", in the seventh line, and inserting in place thereof the word: — six, — so that the last sentence of said section will read as follows: — The said inspector may appoint such number of deputies, not exceeding six, as he may deem necessary or expedient. 1902, 495, § 1,
amended.

Deputies.

SECTION 2. Said chapter is hereby further amended by striking out section five and inserting in place thereof the following: — *Section 5.* All nursery stock shipped into this state from any other state, country or province, or shipped within this state, shall bear on each package, box or car a certificate that the contents of said package, box or car have been inspected by a duly authorized inspecting officer, and that said contents appear to be free from dangerous insects or diseases, and any common carrier, transportation company or individual transporting or accepting for transportation any package, box or car of nursery stock not accompanied by such certificate shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars for each offence: *provided, however,* that any package, box or car bearing a copy of an affidavit of fumigation which meets the requirements specified in section four of this act may be accepted as though bearing a proper certificate of inspection. 1902, 495, § 5,
amended.

Nursery stock to bear certificate of inspection, etc.

Proviso.

SECTION 3. Said chapter is hereby further amended by striking out section seven and inserting in place thereof the following: — *Section 7.* The state nursery inspector, with the approval of the secretary of the state board of agriculture, shall have power to designate insect pests or plant diseases which endanger the life of trees, shrubs or other plants to a serious degree and are likely to cause financial loss in consequence thereof as public nuisances dangerous to the public welfare, and may publish information about such insects and diseases, with methods for their treatment and control. 1902, 495, § 7,
amended.

The inspector to have power to designate insect pests, etc.

1902, 495, further amended.

Owner of trees and shrubs may file complaint, etc.

Inspector to investigate complaints, etc.

SECTION 4. Said chapter is hereby further amended by inserting the following new section, to be numbered section eight: — *Section 8.* Any owner of trees, shrubs or other plants growing in this state the life of whose trees, shrubs or other plants is endangered by any insect pests or diseases designated as public nuisances, as provided in section seven of this chapter, may file a written complaint with the state nursery inspector, stating that his trees, shrubs or other plants are suffering from the injuries caused by such insect pest or pests, disease or diseases, and that he is prepared to treat his trees, shrubs or other plants, but that because of the presence close by of trees, shrubs or other plants similarly attacked which are not cared for by the owner and are accordingly a continual menace to his own, such treatment would be of little use. Upon receipt of such complaint the state nursery inspector or one of his deputies shall visit the place or places of which complaint has been made, to determine the exact conditions existing; and if the state nursery inspector or his deputy shall find that the trees, shrubs or other plants of the complainant are really so menaced by the presence of insects or diseases on trees, shrubs or other plants close by, the state nursery inspector shall serve written notice on the owner or owners, or person in charge of such trees, shrubs or other plants, of the presence of such insects or diseases constituting a public nuisance, with directions to abate said nuisance, and giving a statement of the methods of treatment for the abatement thereof, and stating a time within which said nuisance must be abated in accordance with the methods given in the notice. In case of objection to the findings of the inspector or of his deputy an appeal may be made within ten days after the service of said notice to the secretary of the state board of agriculture, and the appeal shall act as a stay of proceedings until it has been heard and decided, said decision to be final.

1902, 495, further amended.

Inspector to notify owners to destroy shrubs or plants, etc.

SECTION 5. Said chapter is hereby further amended by inserting the following new section, to be numbered section nine: — *Section 9.* When the secretary of the state board of agriculture has heard an appeal and has rendered a decision that the notice of the state nursery inspector from which the appeal was taken is sustained, the state nursery inspector shall notify in writing the owner or owners, or person in charge of the trees, shrubs or other plants con-

cerned, of the decision of the committee, and shall direct him or them within a given time to treat or destroy the trees, shrubs or other plants in accordance with a method prescribed in the notice. If the person or persons so notified shall refuse or neglect so to treat or destroy such trees, shrubs or other plants within the time prescribed, the state nursery inspector shall cause such property to be so treated, and may employ all necessary assistants for this purpose, and such persons shall have the right to enter upon any public or private property, if such entry is necessary for this purpose. Upon the completion of said treatment the state nursery inspector shall certify in writing to the owner or person in charge of the treated property the amount of the cost of such treatment, and if this cost be not paid to the secretary of the state board of agriculture within ninety days thereafter the same may be recovered by suit, together with the costs of suit.

SECTION 6. Said chapter is hereby further amended by inserting the following new section, to be numbered section ten:— *Section 10.* Any person violating the provisions of this act or offering any hindrance to the carrying out of any part thereof shall be adjudged guilty of a misdemeanor, and upon conviction before a magistrate or justice of the peace shall be fined not less than ten nor more than one hundred dollars for each offence.

1902, 495, further amended.

Penalty for violation of provisions of law.

SECTION 7. Said chapter is hereby further amended by inserting the following new section, to be numbered section eleven:— *Section 11.* All prosecutions under the provisions of this act shall be instituted by the secretary of the state board of agriculture and shall be directed by him, and all penalties and costs recovered for the violation of any provision of this act shall be paid to the secretary of the state board of agriculture and by him immediately paid into the state treasury, to be kept as a fund for the use of the state nursery inspector in the enforcement of this act and as an addition to the appropriation made in this act, to be drawn from the treasury in the same manner as said appropriation.

1902, 495, further amended.

Prosecutions to be instituted by the secretary of the state board of agriculture, etc.

SECTION 8. Said chapter is hereby further amended by inserting the following new section, to be numbered section twelve:— *Section 12.* None of the provisions of this act shall be considered as applying to the gypsy or brown tail moths or to any stage thereof outside of

1902, 495, further amended.

Provisions of act not to apply in certain cases.

places where nursery stock is grown, sold or offered for sale.

1902, 495, further amended.

Amount of expenditure.

SECTION 9. Said chapter is hereby further amended by inserting the following new section, to be numbered section thirteen:— *Section 13.* A sum not exceeding two thousand dollars, in addition to the receipts under this act, may be expended by the state board of agriculture in carrying out the provisions thereof.

Approved April 22, 1907.

Chap.322 AN ACT IN ADDITION TO AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE FOXBOROUGH STATE HOSPITAL.

Be it enacted, etc., as follows:

Foxborough state hospital.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the further maintenance of the Foxborough state hospital, the same to be in addition to the amount appropriated by chapter eighty-five of the acts of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1907.

Chap.323 AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE CLERK OF THE EAST BOSTON DISTRICT COURT.

Be it enacted, etc., as follows:

1903, 179, § 1, amended.

Clerical assistance.

SECTION 1. Chapter one hundred and seventy-nine of the acts of the year nineteen hundred and three is hereby amended by striking out section one and inserting in place thereof the following:— *Section 1.* The clerk of the East Boston district court in the city of Boston may annually expend a sum not exceeding seven hundred dollars for clerical assistance in his office.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1907.

AN ACT TO ESTABLISH THE SALARIES OF THE COURT OFFICERS
IN ATTENDANCE AT THE SESSIONS OF THE MUNICIPAL COURT
OF THE SOUTH BOSTON DISTRICT OF THE CITY OF BOSTON. *Chap.324*

Be it enacted, etc., as follows:

SECTION 1. The court officers in attendance at the sessions of the municipal court of the South Boston district of the city of Boston shall receive an annual salary of thirteen hundred dollars, to be paid from the treasury of the county of Suffolk in monthly instalments, in full for all services performed by them. Salaries of court officers of the municipal court of the South Boston district.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1907.

AN ACT RELATIVE TO WIRES AND ELECTRICAL APPLIANCES IN
THE CITY OF BROCKTON. *Chap.325*

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Brockton may by ordinance designate some officer or officers of the city who shall have exclusive authority to cause to be removed from the streets of the city hereinafter prescribed all telephone, telegraph and electric light, motor and power wires, cables and conductors, in or above the said streets, and all poles and other structures in said streets used for the support of the same, except such structures, poles, wires, cables and conductors as are hereinafter excepted. It shall be the duty of the officer or officers, and he or they shall have authority, to grant all necessary permissions for such wires, cables and conductors, to be placed, maintained and operated in underground conduits, in accordance with the requirements of the ordinances of the city; and it shall be the duty of the superintendent of streets or other officer having charge of the highways in the city, and he or they shall have authority to issue all permits for the opening and occupying of streets which may be necessary to carry out the intent of this act, upon the application of the officer or officers first above mentioned or of any person or corporation interested. The city of Brockton may cause certain wires to be removed or placed underground, etc.

SECTION 2. The provisions of this act shall apply to those parts of the following named streets which are within a half mile circle from the city hall, namely:—Main street, North Main street, Montello street, North To apply to certain streets.

Montello street, Court street, Franklin street, Ward street, Centre street, Church street, School street, Lincoln street, East Elm street, Crescent street, Belmont street, West Elm street, High street, Green street, Pleasant street, City Hall square, Warren avenue, North Warren avenue, Commercial street, East Railroad avenue and West Railroad avenue, and also to that part of Main street between Calmar street and Keith avenue and that part of North Main street between Broad street and Wilmington street. The first work done pursuant to this act shall be in Main street between Court street and Belmont street, Montello street between Court street and East Elm street, and Centre street between Main street and Montello street; and the work in those parts of said streets shall be completed within three years after the designation made by the officer or officers provided for in section one, provided the necessary permissions and permits therefor shall have been given seasonably. After the expiration of the three years aforesaid no company owning and operating wires in said city shall be obliged to do work hereunder involving the expenditure of more than twenty thousand dollars in any one year; and any expenditure by any such company in excess of that sum in any year after the expiration of said three years shall be reckoned as a part of its expenditure hereunder in the next succeeding year or years.

Public notice
to be given,
etc.

SECTION 3. The said officer or officers, within thirty days after appointment, and in any January thereafter until the work first to be done in said streets is completed, may prescribe, giving public notice thereof in at least one daily newspaper in said city, by advertising therein twice a week for two weeks in succession, those parts of Main street, Montello street and Centre street in which the work is to be done first and completed within three years; and in January of each succeeding year after the completion of the work first to be done under this act may prescribe not more than two miles of the other streets or parts of streets, herein specified. And in the streets or parts of streets so designated all of said wires, cables and conductors, except such as are hereinafter excepted, shall, as regards those parts of Main street, Montello street and Centre street in which the work is to be done first, be removed or placed underground during the three calendar

years next following the designation thereof; and thereafter, as regards any other streets prescribed under the provisions hereof in any year, and subject to the limitations of this act as to the annual cost hereunder to parties affected hereby, shall be removed or placed underground during such calendar year; and said officer or officers shall cause the owners or users of such wires, cables or conductors to remove them or to put them underground, and also to remove any poles or structures used in the streets to support such wires, cables or conductors, except when, in the judgment of said officer or officers, it is impracticable or inexpedient to remove such wires, cables, poles, conductors or structures; it being the purpose and intent of this act ultimately to cause the removal from the parts of the public streets, avenues and highways designated in the preceding section, of all of said wires, cables and conductors, except such as are hereinafter excepted.

SECTION 4. The provisions of this act shall not affect the grant by the mayor and aldermen of said city to The Edison Electric Illuminating Company of Brockton of the right to lay and maintain underground conduits, wires, cables and conductors in certain of the streets of said city, adopted as amended December twelve, nineteen hundred and six, and approved December fourteen, nineteen hundred and six, which grant is hereby ratified and confirmed. But so far as the provisions of this act are not inconsistent with the terms of said grant, said company shall be subject hereto. And any expenditure by said company pursuant to the terms of said grant shall be deemed and taken to be an expenditure under the terms of this act; and any expenditure by said company for underground construction or equipment, except the original expenditure in the parts of streets in which the first work hereunder is to be done and completed within three years, shall be reckoned, at the rate of twenty thousand dollars a year, as a part of its expenditure hereunder in the next succeeding year or years after the expiration of said three years; the purpose and intent of this provision being that the company shall not be required or obliged to do any work hereunder, except that specified in the grant aforesaid, until after the expiration of the number of years, after the three years aforesaid, determined by dividing

Not to affect
certain grants.

its total expenditures for underground construction and equipment, other than the original expenditure aforesaid, by twenty thousand.

Rights of certain corporations reserved.

SECTION 5. The Edison Electric Illuminating Company of Brockton and the Old Colony Street Railway Company are hereby authorized to contract, for themselves and their successors and assigns, for the use by said railway company of such of the conduits, ducts, cables and conductors of said Edison company as said railway company may desire to use, upon such terms and conditions as may be agreed upon by said companies; and in case of the purchase of the plant and property of said Edison company by the city of Brockton, such conduits, ducts, cables and conductors shall be a part of the plant and property so purchased.

No firm or corporation to place any poles, etc., in the streets except temporarily, etc.

SECTION 6. After a part of said streets has been prescribed as aforesaid no person, firm or corporation shall place any poles or other structures for the support of any wires, cables or conductors, except those herein specially excepted, in any street or part of street so prescribed, except temporarily, with the consent of said officer or officers, in an emergency; and if after the expiration of that calendar year there shall remain in any such street any poles, structures, wires, cables or conductors which said officer or officers shall have ordered to be removed, the said officer or officers shall cause the same to be removed; and the city may collect from the owners or users, by an action at law, any expense involved in such removal. But such officer or officers may extend the time for such removal in case of any person, firm or corporation, upon satisfactory evidence of the inability for good and sufficient reasons of such person, firm or corporation to comply with the order for such removal within the time prescribed.

Permission for the removal of wires, etc., may be granted in certain cases, etc.

SECTION 7. The officer or officers who may be designated by the city council of said city pursuant to section one of this act may at any time, upon application of any person, firm or corporation duly authorized by law to lay or to erect and maintain and maintaining wires in the streets of said city, grant permission for the removal of any wires, cables, conductors, poles or structures in any of the streets of said city, whether within or without the district specified in section two hereof, and for the placing of the same and any other necessary wires, cables and conduct-

ors or any extensions thereof underground as herein provided; and it shall be the duty of the superintendent of streets or other officer having charge of the highways in said city, and he shall have authority, after the granting of such permission, to issue all permits for opening and occupying the streets of said city which may be necessary to carry out the intent of this act, upon the application of said officer or officers or of any person or corporation interested; and he or they may grant locations for such additional poles for local distribution only from underground wires, cables or conductors as may become reasonably necessary by reason of work done under the provisions of any section of this act.

SECTION 8. This act shall not apply to long distance telephone wires, or to posts for the support of lamps exclusively, or to poles used exclusively for local distribution from underground wires, cables or conductors, or to street railway trolley wires or poles; nor shall it affect or revoke any rights already granted to any person, firm or corporation to place or maintain any conduits, pipes, wires, cables or conductors underground; but any such conduits, pipes, wires, cables or conductors laid hereafter in pursuance of any such grant shall be laid subject to the provisions of this act so far as they are not inconsistent with the terms of such grant. For the purpose of this act no wire shall be deemed to be a long distance telephone wire which does not extend at least twenty-five miles from some central office.

Not to apply to certain wires, etc.

SECTION 9. When any person, firm or corporation operating or intending to operate wires, cables, conductors or conduits in said section of said city shall desire or be required to place the same underground in any street or highway in said section, and shall have been duly authorized so to do, it shall be obligatory upon such person, firm or corporation to file with the city engineer of the city a map or maps made to scale showing the streets or highways which are desired or required to be used for said purposes, and giving the location, dimensions and course of the underground conduit or conductor desired or required to be constructed, which map or maps shall be satisfactory to and approved in writing by the city engineer before any opening shall be made in any such street or highway under such authority.

Maps to be filed in certain cases.

Board of
appeal.

SECTION 10. The mayor and aldermen of the city shall constitute a board of appeal, to which petitions in writing may be presented by any person, firm or corporation aggrieved by any act or decision of said officer or officers done or made in pursuance of this act. Such petition shall set forth the specific grievance or grievances relied upon, and shall be filed with the mayor of the city within ten days after the act or decision complained of was done or made; and said board after due notice given as prescribed in section three of this act shall give a hearing thereon, and may either approve, annul, modify or overrule such act or decision.

Enforcement
of provisions,
etc.

SECTION 11. The supreme judicial court or the superior court or any justice thereof shall, on petition of said officer or officers or of any person, firm or corporation affected by the provisions of this act, have jurisdiction in equity to enforce the provisions of this act or any order of said officer or officers issued thereunder and to compel compliance therewith.

City to pay
cash value in
case of taking
or purchase.

SECTION 12. Whenever the city shall be authorized to take by purchase or otherwise the underground conduits constructed hereunder, and the city shall determine to become the owner of the same, they shall be paid for at a fair cash value.

SECTION 13. This act shall take effect upon its passage.

Approved April 23, 1907.

Chap. 326

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A PURCHASING AGENT FOR THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

Purchasing
agent for the
city of Law-
rence, ap-
pointment,
term, etc.

SECTION 1. There shall be appointed by the mayor of the city of Lawrence, as soon as may be after the passage of this act, a purchasing agent to serve until the first day of January in the year nineteen hundred and nine or until his successor is appointed and qualified, whose duty it shall be to purchase all supplies and materials used by the several city departments; and in the year nineteen hundred and nine, and every two years thereafter, a purchasing agent as aforesaid shall be appointed by the mayor to serve for a term of two years, beginning with the first day of January in the year of his appointment, or until his successor is appointed and qualified. If at any time a vacancy should occur in the said office by resignation, re-

Vacancy.

moval or otherwise, the mayor shall fill the vacancy for the remainder of the unexpired term. The said agent shall furnish a bond with good and sufficient sureties in the sum of ten thousand dollars, to insure the faithful performance of the duties of his office, and he may be removed by the mayor for cause. He may, with the approval of the mayor, employ clerical assistance, and the amount of his salary and the amount to be paid by him for clerical assistance shall be fixed by the mayor, and shall be paid from the treasury of the city.

Clerical assistance.

SECTION 2. All purchases of supplies and materials shall be made by said purchasing agent, and so far as practicable all purchases shall be made after public advertisements soliciting proposals to furnish the supplies and materials.

All purchases to be made by the agent.

SECTION 3. All bills for supplies and materials shall show the date of purchase, date of delivery, the unit of price, the quality and quantity of articles purchased and received, the number and date of the order for purchase, and, if the purchase is under contract, the number and date of the contract, together with a true list of all other bids on that contract, which shall be entered in full in an invoice book which shall always be open to public inspection.

Bills for supplies, etc.

SECTION 4. All advertisements for proposals to furnish supplies and materials at a cost in excess of three hundred dollars shall be published in one or more papers of the city, and elsewhere if the mayor and the purchasing agent deem it necessary, and a copy of such advertisement shall be preserved by the purchasing agent. Whenever advertisements for any supplies and materials are published the purchasing agent shall cause suitable schedules to be prepared and shown to the parties proposing to bid.

Advertisements for proposals to be published, etc.

SECTION 5. Every contract exceeding three hundred dollars in amount for any materials and supplies to be furnished to the city shall be accompanied by a suitable bond for the performance of the same, or by a deposit of money or security to the amount of the bond. All such contracts shall be executed in duplicate and in writing and shall be signed on the part of the city by the purchasing agent, and after being signed by all the parties thereto no such contract shall be altered in any particular unless the purchasing agent endorses on said contract

Bond.

Contracts to be in duplicate.

under his signature his assent to such alteration. A copy of each contract shall be filed with the city auditor.

Contracts.

SECTION 6. The purchasing agent shall make no contract for the purchase of supplies and materials the execution of which will necessarily extend beyond one year from the date thereof unless special permission so to do shall be given by the mayor in writing or by the statutes of the Commonwealth.

Purchase of materials, etc.

SECTION 7. Materials and supplies may be purchased for two or more departments by the purchasing agent. Separate bills shall be made by the party furnishing such materials or supplies for each department so furnished. Whenever any department has in its possession materials, products or supplies which are not needed or desired by such department, and the same can be utilized to advantage by some other department of the city, the mayor and purchasing agent may direct that the same be transferred from and credited to the department having the same, to such other department, and utilized as aforesaid.

Neither the mayor nor purchasing agent to be interested in purchases, etc.

SECTION 8. Neither the mayor nor purchasing agent shall be personally interested, either directly or indirectly, in any contract for the purchase of materials or supplies in which the city is a party interested, nor shall the mayor or the purchasing agent, directly or indirectly, for himself or for any other person, receive a commission, discount, bonus, present or reward from any person or persons making or performing such contracts; and any violation of any provision of this section shall be punished by a fine of not less than fifty dollars or more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

Repeal.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed.

To be submitted to voters for acceptance.

SECTION 10. This act shall be submitted to the voters of the city of Lawrence at the annual state election held in November, nineteen hundred and seven, and the form of the question to be placed upon the ballot shall be as follows: — Shall chapter _____ of the acts of the year nineteen hundred and seven, being "An Act to provide for the appointment of a purchasing agent for the city of Lawrence", be accepted? and if a majority of the voters voting thereon at said election shall vote in the affirmative this act shall take effect.

Approved April 23, 1907.

AN ACT RELATIVE TO FEES OF PERSONS AUTHORIZED TO TAKE BAIL. *Chap.327*

Be it enacted, etc., as follows:

SECTION 1. The maximum fee to be charged by any person authorized to take bail in the case of a person arrested for any misdemeanor shall be two dollars.

Fees of persons authorized to take bail limited.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1907.

AN ACT TO PROVIDE FOR SUMMONING WITNESSES TO ATTEND AND TESTIFY BEFORE CERTAIN BOARDS AND OFFICERS. *Chap.328*

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter one hundred and seventy-five of the Revised Laws is hereby amended by inserting after the word "commissioners", in the fifth line, the words:—or a fire commissioner or a board of fire commissioners, or a school board, or a licensing board for the granting of licenses for intoxicating liquors,—so as to read as follows:—*Section 8.* Witnesses may be summoned to attend and testify and to produce books and papers at a hearing before a city council, or either branch thereof, or before a joint or special committee of the same or of either branch thereof, or before a board of selectmen or a board of police commissioners, or a fire commissioner or a board of fire commissioners, or a school board, or a licensing board for the granting of licenses for intoxicating liquors, or a board of registrars of voters, or before the board of police or of election commissioners for the city of Boston at any hearing before them, as to matters within their authority; and such witnesses shall be summoned in the same manner, be paid the same fees and be subject to the same penalties for default, as witnesses before police, district and municipal courts. The presiding officer of such council, or of either branch thereof, or a member of any such committee or board may administer oaths to witnesses who appear before such council, or either branch thereof, or any such committee or board, respectively.

R. L. 175, § 8, amended.

Witnesses before city and town officials, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1907.

Chap.329 AN ACT TO PROVIDE FOR LOCAL TAXATION OF THE REAL ESTATE
AND MACHINERY OF WATER COMPANIES.

Be it enacted, etc., as follows:

Real estate
and machinery
of water
companies to
be subject to
local taxation.

SECTION 1. The real estate and machinery of every private corporation organized under general or special laws of the Commonwealth for the purpose of carrying on within the Commonwealth the business of a water company, except such corporations as by charter have been made exempt from taxation, shall be subject to local taxation. The valuation of real estate and machinery of every such company for the purposes of taxation shall annually be determined by the tax commissioner of the Commonwealth and shall be certified by him to the board of assessors of the city or town in which the real estate and machinery are situated on or before the first day of May in each year, and the board of assessors of such city or town shall annually assess upon such water company a tax on the basis of the valuation so fixed, in the same manner and at the same rate as upon property of private individuals. When the certification has been made the city or town and the corporation concerned shall have the same right of appeal from the valuation therein set forth as is provided by section sixty-five of chapter fourteen of the Revised Laws. Any overpayment of a tax determined by the decision of the board of appeal, established by the said section, shall be repaid from the treasury of the city or town to which the same has been paid.

Overpayment
of tax to be
repaid by city
or town.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1907.

Chap.330 AN ACT RELATIVE TO THE DISPOSITION OF BALLOTS AND CHECK
LISTS USED AT CAUCUSES.

Be it enacted, etc., as follows:

R. L. 11, § 98,
amended.

Preservation
of ballots and
voting lists
used at
caucuses.

Chapter eleven of the Revised Laws is hereby amended by striking out section ninety-eight and inserting in place thereof the following:—*Section 98.* The secretary of each caucus shall forthwith, after the ballots cast therein have been counted, transmit the said ballots and the check list used at the caucus to the city or town clerk, as the case may be, who shall preserve them for ten days. If during said time ten voters entitled to vote in said caucus

shall file with said clerk a written request so to do, he shall preserve the ballots and voting lists for three months, and shall produce the same if required by any court of justice or convention having jurisdiction or authority over the same.

If within three week days after any caucus a person who has received votes thereat for nomination or election to any office, delegation or political committee shall file a statement in writing with the said clerk, claiming an election or nomination or declaring an intention to contest the election or nomination of any other person, the clerk shall preserve the ballots for such nomination or office until the claim or contest has been finally determined.

Contested election.

The clerk shall immediately give notice in writing to the persons affected and to the chairman and secretary of the caucus fixing a time within twenty-four hours thereafter and a place at which said ballots will be recounted. The chairman and secretary of the caucus shall, at said time and place, recount said ballots and determine the questions raised. Each candidate affected may be present during such recount, or may be represented by an agent appointed by him in writing. If it shall appear upon a recount that persons were nominated or elected other than those declared to have been nominated or elected, certificates of such change shall be made as in the case of the original certificate.

Recount.

Approved April 24, 1907.

AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO BORROW MONEY FOR COMPLETING THE WIDENING OF GALEN STREET AND CONSTRUCTING A NEW BRIDGE OVER CHARLES RIVER.

Chap. 331

Be it enacted, etc., as follows:

SECTION 1. The town of Watertown is hereby authorized to borrow, for a term not exceeding twenty years, a sum not exceeding fifty thousand dollars, for the purpose of completing the widening and construction of Galen street, as laid out by the county commissioners of Middlesex county, including the cost of a bridge over Charles river and land damages and other expenses connected with the widening of said street and the construction of said bridge; this sum to be in addition to that which the town was authorized to borrow under the provisions of chapter one hundred and forty-five of the acts of the year nineteen hundred and five. For the sum borrowed under au-

The town of Watertown may borrow money for the widening of Galen street, etc.

Payment of
loan.

thority of this act the town shall issue its notes or bonds, to be signed by its treasurer and countersigned by its selectmen, with interest, payable semi-annually, at a rate not exceeding four per cent per annum. At the time of authorizing the said loan the town shall provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall, without further vote, be assessed by the assessors of the town annually thereafter until the debt incurred by the loan is extinguished.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1907.

Chap.332 AN ACT RELATIVE TO SERVICE ON CERTAIN FOREIGN CORPORATIONS.

Be it enacted, etc., as follows:

Service of
summons, etc.,
on certain
foreign cor-
porations.

SECTION 1. In an action against a foreign corporation having its principal or a usual place of business within this Commonwealth service of the summons or writ may be made according to the provisions of section thirty-six of chapter one hundred and sixty-seven of the Revised Laws for service in actions against domestic corporations; and such service shall be of the same effect and validity as if made upon the commissioner of corporations.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1907.

Chap.333 AN ACT TO ESTABLISH THE SALARY OF THE COURT OFFICER IN ATTENDANCE AT THE SESSIONS OF THE EAST BOSTON DISTRICT COURT.

Be it enacted, etc., as follows:

Salary of
court officer
of the East
Boston dis-
trict court.

SECTION 1. The court officer in attendance at the sessions of the East Boston district court in the city of Boston shall receive an annual salary of thirteen hundred dollars, to be paid from the treasury of the county of Suffolk in monthly instalments, in full for all services performed by him.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1907.

AN ACT TO PROVIDE AGAINST UNAUTHORIZED DISSOLUTION OF ATTACHMENTS OF REAL ESTATE. *Chap.334*

Be it enacted, etc., as follows:

SECTION 1. An attachment of real estate shall be dissolved by an entry on the margin of the attachment book in the registry of deeds in which the attachment is noted, signed by the plaintiff in whose behalf the attachment was made, or by his executor, administrator or attorney of record, and attested by the register of deeds or by an assistant in his office thereto duly authorized; or it may be dissolved by a release signed and acknowledged by the plaintiff, or by his executor, administrator or attorney of record, and filed in the registry of deeds, or by a certificate from the clerk of the court in which the action was pending that the attachment has been dissolved or that the action has finally been determined.

Attachment of real estate, how dissolved.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved April 24, 1907.*

Repeal.

AN ACT TO PROVIDE FOR THE MAKING OF RESTITUTION OR REPARATION IN CERTAIN CASES. *Chap.335*

Be it enacted, etc., as follows:

If a person is placed on probation upon condition that he shall make restitution or reparation to the person injured by him in the commission of his offence, and payment is not made at once, the court may order that it shall be made to the probation officer, who shall give receipts for all payments made to him, shall keep a record of the same, shall pay the money to the person injured and keep his receipt therefor, and shall notify the clerk of the court whenever the full amount of the money is received or paid in accordance with such order or with any modification thereof.

Restitution or reparation, payment to be made to probation officer in certain cases.

Approved April 24, 1907.

AN ACT TO PROVIDE FOR REVOKING THE CHARTERS OF CERTAIN CLUBS AND ORGANIZATIONS. *Chap.336*

Be it enacted, etc., as follows:

SECTION 1. If any person is convicted of illegally engaging in, giving or promoting a public boxing match or sparring exhibition, or of illegally engaging in giving or

Charters of clubs, etc., may be revoked in certain cases, etc.

promoting a private boxing match or sparring exhibition the contestants in which have received or have been promised any pecuniary reward, remuneration or consideration whatsoever, directly or indirectly, under the auspices of or on the premises occupied by any club or organization described in section two of chapter one hundred and twenty-five of the Revised Laws, the chief of the district police, the selectmen of the town or the mayor and aldermen of the city in which such club or organization is situated, except in Boston, and in Boston the police commissioner, shall immediately notify the secretary of the Commonwealth, and he shall, upon receipt of such notice, declare the charter of such club or organization void, and shall publish a notice in at least one newspaper published in the county in which the club or organization is situated that such incorporation is void and of no further effect.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1907.

Chap.337 AN ACT TO REGULATE CHANGES IN LOCATIONS OF CERTAIN CORPORATIONS.

Be it enacted, etc., as follows:

Changes in location of certain corporations regulated.

SECTION 1. No corporation organized under general laws for the purpose of fostering, encouraging or engaging in athletic exercises or for the establishment and maintenance of places for reading rooms, libraries or social meetings shall change its location from the city or town in which it was established or is now located to another city or town within the Commonwealth until consent thereto has been obtained in writing from the mayor and aldermen of the city or the board of selectmen of the town in which the corporation proposes to acquire a new location, except that in the city of Boston such consent in writing shall be obtained from the police commissioner.

Consent to change not to take effect until filed with the secretary of the Commonwealth.

SECTION 2. The consent of any board, or of the police commissioner, required by section one of this act shall not take effect until a copy thereof, duly attested by the clerk or secretary of said board or of said police commissioner, has been filed by him in the office of the secretary of the Commonwealth.

Change of location contrary to this act to be

SECTION 3. A change of location by a corporation contrary to the provisions of this act shall be sufficient cause

for the revocation of its charter by the secretary of the Commonwealth. cause for revocation of charter.

SECTION 4. This act shall take effect upon its passage.

Approved April 24, 1907.

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR Chap.338
INDEBTEDNESS FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River, to enable it to acquire land for school purposes and to build schoolhouses, may incur indebtedness, beyond its debt limit as fixed by law, to an amount not exceeding two hundred thousand dollars, and may issue bonds, notes or scrip therefor, in such amounts, of such denominations, payable within such periods, not exceeding twenty years from the dates thereof, and bearing such rate of interest, not exceeding four per cent per annum, as its city council may determine. The city of Fall River may borrow money for school purposes. The city shall provide a sinking fund to redeem the said securities as specified in section twelve of chapter twenty-seven of the Revised Laws, or shall, at the time of making said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the debt within the time prescribed by this act; and thereafter, without further action by the city, the amount required for such payments shall annually be assessed by the assessors of the city in the same manner in which other taxes are assessed, until the debt is extinguished. Sinking fund.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1907.

AN ACT RELATIVE TO THE NEWTON POLICE BENEFIT ASSOCIATION, INCORPORATED. Chap.339

Be it enacted, etc., as follows:

SECTION 1. The Newton Police Benefit Association, Incorporated, a corporation duly established by law, is hereby authorized, acting by its board of directors, to pay or cause to be paid from its special fund to any member in good standing, upon the death of his wife, the sum of two hundred dollars. The Newton Police Benefit Association, Incorporated, may pay death benefits.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1907.

Chap.340 AN ACT RELATIVE TO UNCLAIMED DEPOSITS IN SAVINGS BANKS.*Be it enacted, etc., as follows:*

Unclaimed deposits in savings banks, etc., to be paid to the treasurer and receiver general in certain cases.

SECTION 1. The probate court shall, upon the application of the attorney-general and after public notice, order and decree that all amounts of money heretofore or hereafter deposited with any savings bank or trust company to the credit of depositors who have not made a deposit on said account or withdrawn any part thereof or the interest, or on whose pass books the interest has not been added, which shall have remained unclaimed for more than thirty years after the date of such last deposit, withdrawal of any part of principal or interest, or adding of interest on the pass book, and for which no claimant is known or the depositor of it cannot be found, shall, with the increase and proceeds thereof, be paid to the treasurer and receiver general to be held and used by him according to law, subject to be repaid to the person having and establishing a lawful right thereto, with interest at the rate of three per cent per annum from the time when it was so paid to said treasurer to the time when it is paid over by him to such person.

Persons claiming certain rights may petition the superior court, etc.

SECTION 2. Any person claiming a right to money deposited with the treasurer and receiver general under the provisions of the preceding section of this act, or of section fifty-five of chapter one hundred and thirteen, or of section sixteen of chapter one hundred and sixteen of the Revised Laws, and acts in amendment thereof and in addition thereto, may establish the same by a petition to the superior court as provided in section one of chapter two hundred and one of the Revised Laws, as amended by section one of chapter three hundred and seventy of the acts of the year nineteen hundred and five.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1907.

Chap.341 AN ACT TO AUTHORIZE THE CITY OF LYNN TO INCUR INDEBTEDNESS FOR THE ERECTION OF A STABLE.*Be it enacted, etc., as follows:*

The city of Lynn may borrow money for the purpose of erecting a city stable.

SECTION 1. For the purpose of purchasing land and erecting thereon a stable suitable for the accommodation of the highway and other city departments the city of

Lynn may incur indebtedness to an amount not exceeding one hundred thousand dollars, beyond the limit of indebtedness fixed by law, and may from time to time issue bonds, notes or scrip therefor, payable at periods not exceeding twenty years from the dates of issue, and bearing interest at a rate not exceeding four per cent per annum.

SECTION 2. The city council shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act, and thereafter, without further action of the city council, the amount required for such payments shall annually be assessed by the assessors of the city in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt so incurred is extinguished.

Payment of loan.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1907.

AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO ACQUIRE
LONG HILL CEMETERY FOR SCHOOL PURPOSES.

Chap. 342

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield by its city council may at any time within one year after the passage of this act take or acquire, by purchase or otherwise, and hold, maintain and improve for school purposes, that tract of land, situate on the southerly side of Sumner avenue in said city, conveyed to the proprietors of Long Hill cemetery by Ezra Osborne, by deed dated April 2, 1850, recorded in Hampden county registry of deeds, in book 177, page 180.

The city of Springfield may take certain land for school purposes.

SECTION 2. Said city, after taking said cemetery, shall, at its expense, remove the bodies interred therein to other suitable burial places, and remove all headstones and other monuments now standing in said cemetery, and, in a suitable manner, replace the same at or over the graves in the new burial places so that the bodies interred therein shall be indicated as they were in the said Long Hill cemetery.

Bodies of persons interred in the land taken to be removed, etc.

SECTION 3. The city shall within sixty days after acquiring the said land, otherwise than by purchase or gift, cause to be recorded in the registry of deeds for the county of Hampden a description and plan thereof, with a state-

Description and plan of land taken to be recorded.

ment of the purposes for which the land was taken, which statement shall be signed by the mayor; and upon such recording title to the land shall vest in the city.

Damages.

SECTION 4. Said city shall pay all damages to property sustained by any person by the taking by it of the aforesaid land, and any such person who fails to agree with the city as to the amount of such damages may have them assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within one year after the taking of said land.

SECTION 5. This act shall take effect upon its passage.

Approved April 29, 1907.

Chap.343 AN ACT TO PROVIDE THAT CONTRACTS MADE BY CITIES SHALL BE OPEN TO INSPECTION BY THE PUBLIC.

Be it enacted, etc., as follows:

Contracts made by cities to be open to public inspection.

SECTION 1. It shall be the duty of any city officer who makes or executes a contract on behalf of the city to furnish the said contract or a copy thereof to the city clerk within one week after its execution; and it shall be the duty of the city clerk to keep the said contract or copy on file where it may be inspected by any person during business hours. Such contracts or copies shall be kept in a book by themselves or in several books, arranged according to the subject of the contract, or in other convenient form, and an index to the subject-matter of the contracts and to the names of the contractors shall be made semi-annually, and shall also be open to public inspection in some convenient form.

Penalty.

SECTION 2. A city clerk or other city officer who fails to comply with the provisions of this act shall be subject to a fine of not less than ten nor more than one hundred dollars for each offence.

Approved April 29, 1907.

Chap.344 AN ACT TO ESTABLISH SALARIES FOR THE CIVIL SERVICE COMMISSIONERS.

Be it enacted, etc., as follows:

R. L. 19, § 1, etc., amended.

SECTION 1. Section one of chapter nineteen of the Revised Laws, as amended by chapter one hundred and fifty-nine of the acts of the year nineteen hundred and six, is

hereby further amended by striking out all after the word "designate", in the ninth line, and inserting in place thereof the words:— The chairman of the commission shall receive an annual salary of fifteen hundred dollars and each of the other commissioners an annual salary of twelve hundred dollars, together with the travelling expenses incurred in the performance of their official duties, — so as to read as follows:— *Section 1.* The governor shall annually, in May or June, with the advice and consent of the council, appoint a civil service commissioner for a term of three years from the first Monday of July following. All appointments shall be so made that not more than two commissioners shall at the time of any appointment be members of the same political party. The chairman of the commission shall at all times be such one of the three commissioners as the governor shall designate. The chairman of the commission shall receive an annual salary of fifteen hundred dollars and each of the other commissioners an annual salary of twelve hundred dollars, together with the travelling expenses incurred in the performance of their official duties.

Civil service
commission,
appointment,
salaries, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1907.

AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO ISSUE A WATER LOAN AND TO ESTABLISH A BOARD OF WATER AND SEWER COMMISSIONERS.

Chap. 345

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and eighty-two of the acts of the year eighteen hundred and eighty-three, as amended by chapter four hundred and fifty-eight of the acts of the year nineteen hundred and three, is hereby further amended by striking out section ten and inserting in place thereof the following:— *Section 10.* The said town may, for the purposes of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time notes or bonds to an amount not exceeding two hundred thousand dollars. Such notes or bonds shall bear on their face the words, Franklin Water Loan, shall be payable at periods not exceeding thirty years from the date of issue, shall bear interest pay-

1883, 182, § 10,
etc., amended.

Franklin
Water Loan.

able semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the commissioners having charge of the water department of the town at the time of the issue of such notes or bonds. The town, at the time of authorizing the said loan, shall provide for its payment in such annual payments, beginning not later than two years after the date of the first issue of any such notes or bonds, as will extinguish the debt within the time prescribed in this act; and when a vote to that effect has been passed the amount required shall, without further vote, be assessed by the assessors of the town annually until the debt incurred by the loan is extinguished. The town shall also raise annually a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating the water works and the interest as it accrues on the aforesaid notes or bonds. The town may sell the said securities at public or private sale or pledge the same for money borrowed for the purpose of this act upon such terms and conditions as it may deem expedient.

May raise by
taxation
money for
improving
water works,
etc.

SECTION 2. The said town is also authorized, acting by a majority vote of the voters present and voting at a town meeting duly called for the purpose, to raise by taxation any sum, not exceeding three thousand dollars in any one year, for the purpose of enlarging or improving its water works or appliances.

Water and
sewer com-
missioners,
election,
terms, etc.

SECTION 3. The said town shall, at a meeting duly called for the purpose, within three months after the passage of this act, elect by ballot in the manner in which other officers of the town are elected, three persons, legal voters of the town, to be the board of water and sewer commissioners, and to hold office one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, and at each annual town meeting thereafter one such commissioner shall be so elected for a term of three years. Any vacancy in the board arising from any other cause than the expiration of a term may be filled at a special town meeting if the selectmen so determine. The said board shall have all the authority given to the water commissioners by said chapter one hundred and eighty-two of the acts of the year

eighteen hundred and eighty-three and by any amendments thereof and also all the authority given by law to sewer commissioners.

SECTION 4. This act shall take effect upon its passage.

Approved May 1, 1907.

AN ACT TO AUTHORIZE THE NOW AND THEN ASSOCIATION OF
SALEM TO HOLD REAL AND PERSONAL ESTATE.

Chap. 346

Be it enacted, etc., as follows:

SECTION 1. The Now and Then Association of Salem, a fraternal beneficiary corporation organized under chapter one hundred and nineteen of the Revised Laws, is hereby authorized to hold real and personal estate to an amount not exceeding one hundred thousand dollars.

The Now and Then Association of Salem may hold real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1907.

AN ACT TO PROVIDE FOR THE COMPENSATION OF THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL AS MEMBERS OF THE JOINT BOARD HAVING CHARGE OF THE CONSTRUCTION OF A BRIDGE OVER TAUNTON GREAT RIVER.

Chap. 347

Be it enacted, etc., as follows:

Section six of chapter four hundred and sixty-two of the acts of the year nineteen hundred and three is hereby amended by inserting after the words "harbor and land commissioners", in the thirty-third line, the words:—the board of county commissioners,—so as to read as follows:—*Section 6.* Within twenty days after the entry of a decree or judgment confirming said report by said court the said clerk shall transmit a true and attested copy of said judgment or decree to said county commissioners, and also a copy to each of the cities, towns and railroad and street railway corporations affected by said report; and within ninety days thereafter each of said cities, towns, railroad and street railway corporations liable under said report and decree to contribute to the payment of the construction of said bridge, approaches and ways, and to the payment of damages for acquiring the same, shall pay their proportion of said expenses into the treasury of said county of Bristol. After the entry of said judgment or decree by said court said county commissioners shall cause

1903, 462, § 6, amended.

Payment of assessments, etc.

Care, main-
tenance, etc.,
of bridge, etc.

Compensation
of commis-
sioners, etc.

notice thereof to be served upon the cities and towns in said county of Bristol, and said railroad and street railway corporations; and said notice, with the return of service thereon, shall be filed in the superior court in said county of Bristol; and thereafterwards the care, maintenance and costs of repairs of said bridge, approaches and ways, abutments and piers shall be transferred to and devolve upon said cities, towns, railroad and street railway corporations respectively charged therewith by said judgment or decree. If any city, town or corporation neglects or refuses to pay its proportionate part of said expenses as required by said judgment or decree, said county commissioners shall, after due notice, issue a warrant against said city, town or corporation for the sum it was ordered to pay, with interest and costs, the same to be collected and paid into the county treasury to be applied in payment of expenses as aforesaid. The members of the board of railroad commissioners, the board of harbor and land commissioners, the board of county commissioners and the special commission appointed under this act shall receive such compensation as the governor and council shall approve, the same to be paid by the county of Bristol. The superior court shall have jurisdiction in equity to carry out the provisions of this act.

Approved May 1, 1907.

Chap. 348

AN ACT RELATIVE TO JURIES AND JURY SERVICE.

Be it enacted, etc., as follows:

R. L. 176, § 4,
amended.

SECTION 1. Section four of chapter one hundred and seventy-six of the Revised Laws is hereby amended by striking out the words "in January or February", in the third and fourth lines, and inserting in place thereof the words: — before the first day of July, — and by inserting after the word "jurors", in the seventh line, the words: — But neither the board of registrars of voters of any city nor the board of election commissioners of the city of Boston shall place the name of any person on said list until after such board shall have fairly and fully investigated by inquiries at his place of residence and business or employment, or by other means, his reputation, character and fitness for such service. The board may, in making such investigations, request the chief of police or the police commissioner, or the officer having charge

of the police, of its city to obtain, so far as is possible, and furnish to it, information concerning the qualifications of any inhabitant thereof for jury service. Such board or any member thereof may request of any and all persons such information as they may have concerning the character and fitness or qualifications for jury service of any person. It shall be the duty of all persons upon such request to answer all questions and to give to said board or any member thereof such information as they may have, relating to the character or fitness for jury service of any person concerning whom such request is made, which information shall be regarded as confidential. To the name of each juror on said list shall be appended his place of residence and of business or occupation, — so as to read as follows: — *Section 4.* The board of registrars of voters in every city, except Boston, and in Boston the board of election commissioners, and the selectmen of towns shall annually, before the first day of July, prepare a list of such inhabitants of the city or town, of good moral character, of sound judgment and free from all legal exceptions, not absolutely exempt from jury service, as they think qualified to serve as jurors. But neither the board of registrars of voters of any city nor the board of election commissioners of the city of Boston shall place the name of any person on said list until after such board shall have fairly and fully investigated by inquiries at his place of residence and business or employment, or by other means, his reputation, character and fitness for such service. The board may, in making such investigations, request the chief of police or the police commissioner, or the officer having charge of the police, of its city to obtain, so far as is possible, and furnish to it, information concerning the qualifications of any inhabitant thereof for jury service. Such board or any member thereof may request of any and all persons such information as they may have concerning the character and fitness or qualifications for jury service of any person. It shall be the duty of all persons upon such request to answer all questions and to give to said board or any member thereof such information as they may have relating to the character or fitness for jury service of any person concerning whom such request is made, which information shall be regarded as confidential. To the name of each juror on said list shall be appended his place of residence and of business or

Preparation
of lists of
jurors, etc.

occupation. Such lists shall include not less than one for every one hundred inhabitants of the city or town, nor more than one for every sixty inhabitants, according to the latest census, state or national, but in the counties of Nantucket or Dukes County, it may include one for every thirty inhabitants.

Penalty for putting on jury list unfit persons, etc.

SECTION 2. Whoever being a registrar of voters or an election commissioner shall put or cause to be put upon the jury list the name of any person for any reason other than his judgment in good faith of the qualifications and fitness of such person for such jury service, shall be punished by imprisonment in the jail or house of correction for a term not exceeding one year or by fine not exceeding five hundred dollars, and the non-performance of the requirements of section one of this act by such registrar or commissioner shall also be sufficient ground for his removal from office.

Additional penalty.

SECTION 3. Whoever shall in any manner solicit or request an election commissioner or registrar of voters to put upon a jury list the name of the person so soliciting or requesting, or the name of any other person, shall be punished by imprisonment in the house of correction for a term not exceeding one year, or by a fine not exceeding five hundred dollars.

Certain questions to be referred to the municipal court of Boston.

SECTION 4. If any question concerning the preparation of said jury list arises, as to which the election commissioners are equally divided, it shall be referred to the chief justice of the municipal court of the city of Boston, or, in case of his absence or disability, to the senior justice of said court, and his decision on the question shall be final.

R. L. 176, § 5, amended.

SECTION 5. Chapter one hundred and seventy-six of the Revised Laws is hereby amended by striking out section five and inserting in place thereof, the following:—

Jury list to be printed, etc.

Section 5. Jury lists prepared as above provided shall, before the first day of August of each year, be printed with the address and occupation of each juror, and a copy thereof shall be delivered to the mayor or selectmen and to the clerk of the city or town to which such list relates, and to the clerks and assistant clerks of the supreme judicial and superior courts in the county in which such city or town is situated, to be by said clerks and assistant clerks kept for the use of said courts.

SECTION 6. Section six of said chapter one hundred and seventy-six is hereby amended by striking out the words “as revised and accepted”, in the first line, and inserting in place thereof the words:—prepared as provided in this chapter,—so as to read as follows:—*Section 6.* If the list prepared as provided in this chapter includes less than one juror for every one hundred inhabitants of a city, said board of registrars of voters or said board of election commissioners shall prepare, post and submit as aforesaid a further list and like proceedings shall be had as in the case of the original list, until the required number of jurors is obtained.

R. L. 176, § 6,
amended.

Revision of
jury list, etc.

SECTION 7. Section seven of said chapter one hundred and seventy-six is hereby amended by striking out the words “revising the list”, in the first line, and inserting in place thereof the words:—of aldermen or the single legislative board of cities having such single board,—so as to read as follows:—*Section 7.* In cities the board of aldermen or the single legislative board of cities having such single board, and in towns the selectmen shall cause the names on the list as completed to be written each on a separate ballot and shall roll or fold the ballots so as to resemble each other as much as possible and so that the name written thereon shall not be visible on the outside, and shall place the ballots in a box which shall be kept by the city or town clerk for the purpose.

R. L. 176, § 7,
amended.

Deposit of
names in
boxes.

SECTION 8. Section eight of said chapter one hundred and seventy-six is hereby amended by striking out all after the word “immorality”, in the third line, and inserting in place thereof the words:—or is found by the justice holding court to be unqualified or unfit to serve as a juror he may be relieved by said justice from sitting in any case, or his name may be ordered by the justice to be stricken from the jury list,—so as to read as follows:—*Section 8.* If a person whose name has been so placed in the jury box is convicted of a scandalous crime or is guilty of gross immorality, or is found by the justice holding court to be unqualified or unfit to serve as a juror he may be relieved by said justice from sitting in any case, or his name may be ordered by the justice to be stricken from the jury list.

R. L. 176, § 8,
amended.

Withdrawal
of names.

SECTION 9. This act shall take effect on the first day of July in the year nineteen hundred and seven.

When to take
effect.

Approved May 3, 1907.

Chap. 349 AN ACT RELATIVE TO SUPPLYING CERTAIN CITIES AND TOWNS
WITH WATER FROM THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

1895, 488, § 3,
etc., amended.

SECTION 1. Section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter three hundred and ninety-two of the acts of the year eighteen hundred and ninety-eight, and by chapter three hundred and forty-nine of the acts of the year eighteen hundred and ninety-nine, is hereby further amended by inserting after the word "and", in the twenty-seventh line, the words: — in case of fire or other emergency, — and by striking out the word "other", in the twenty-eighth line, — so as to read as follows: — *Section 3.* Said board, acting for the Commonwealth, shall construct, maintain and operate a system of metropolitan water works substantially in accordance with the plans and recommendations of the state board of health, contained in their report to the legislature of the year eighteen hundred and ninety-five, and shall provide thereby a sufficient supply of pure water for the following named cities and towns, and the inhabitants thereof, to wit: — The cities of Boston, Chelsea, Everett, Malden, Medford, Newton and Somerville, and the towns of Belmont, Hyde Park, Melrose, Revere, Watertown and Winthrop, which cities and towns shall constitute the Metropolitan Water District; shall secure and protect the purity of said water; shall on application furnish water to any city or town aforesaid that at the time of application owns its water pipe system; shall on application admit any other city or town, any part of which is within ten miles of the state house, into said water district, and furnish water to the same on the terms prescribed by this act for the cities and towns aforesaid, and on such payment of money as said board may determine; shall on application furnish water to any water company owning the water pipe system in any town within said ten miles, on such water company assuming the assessments of the town, if any, and making such payment of money as said board may determine; and in case of fire or other emergency may from time to time furnish water to any city, town or water company, on such payment of money as said board may determine: *provided*, that any such city

To construct,
etc., a system
of metro-
politan water
works, etc

Metropolitan
Water
District.

Certain other
cities and
towns may be
admitted.

Proviso.

or town last referred to shall first have acquired the works of any water company therein situated, constructed for the purpose of supplying said city or town or its inhabitants with water. All payments of money aforesaid shall be distributed to the cities and towns in said district in proportion to the total amount of the annual assessments theretofore paid by them respectively. Said board shall furnish said water to the city, town or company, by delivering the same into a main water pipe, reservoir or tank of the city, town or company, under sufficient pressure for use without local pumping, unless delivered in some other manner by mutual agreement between the parties interested; and shall have the direction and control of the connections between the metropolitan and local systems. Said board may utilize the fall of water at any dam under their charge, and may thereby produce power or electricity, and may transmit such power or electricity by pipes, wires, or other suitable means, and sell the same, or the right to use such water, by written or other contract, to run for a term not exceeding fifteen years. Any person or corporation authorized by said board shall have all the powers relating to the production, sale and transmission of power and electricity given by this act to said board.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1907.

AN ACT RELATIVE TO THE CHARTER OF THE SECURITY LOAN ASSOCIATION.

Chap. 350

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and thirty-four of the acts of the year nineteen hundred and five is hereby amended by striking out the words "one hundred and", in the second and in the sixth and seventh lines, respectively, and also by striking out the word "may", in the tenth line, and inserting in place thereof the words: — shall increase its capital stock to the amount of seventy-five thousand dollars on or before the first day of July in the year nineteen hundred and nine, and may further, — so as to read as follows: — *Section 2.* The capital stock of said corporation shall be fifty thousand dollars; to be divided into shares of one hundred dollars each, and to be paid for at such times and in such manner

1905, 334, § 2,
amended.

Capital
stock, etc.

Proviso.

as the board of directors shall decide: *provided*, that no business shall be transacted by said corporation until said amount of fifty thousand dollars is subscribed for and actually paid in; and no certificate of shares shall be issued until the par value of such shares shall have actually been paid in in cash. The said corporation shall increase its capital stock to the amount of seventy-five thousand dollars on or before the first day of July in the year nineteen hundred and nine, and may further increase its capital stock from time to time until the same amounts to three hundred thousand dollars.

Time
extended.

SECTION 2. The time within which said corporation is authorized to do business is hereby extended until the first day of July in the year nineteen hundred and eight.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1907.

Chap. 351 AN ACT RELATIVE TO MORTGAGES OF CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Mortgages of
co-operative
banks.

SECTION 1. Any co-operative bank shall have authority to insert in its form of real estate mortgage a clause providing that in case of any loss by fire on the mortgaged property in respect to which the fire insurance company or companies shall deny liability as to the insured, the bank shall have the power, at its option, to assign the debt and note for which the mortgage was given and also the mortgage to the insurance company or companies upon payment to the bank by such company or companies of the amount due upon the mortgage loan at the time of the fire, together with the unpaid interest, premium and fines, if any, accrued thereon at the date of such assignment, less the value of the forfeited shares as hereinafter provided, whereupon the note and mortgage shall forthwith become a note and mortgage for such total balance due, payable upon demand with interest semi-annually at the same rate, including premium, if any, as therein stated, the first payment of interest to be due six months after the date of the assignment, and any shares of the bank pledged as security for the note and mortgage loan shall be forfeited by the bank immediately before the execution and delivery to the insurance company or companies of such assignment, and the withdrawal value of shares so forfeited shall, at the time of the assignment, be credited

as a part payment on said mortgage loan, the balance thereof being the balance of the loan due at the time of the assignment to the insurance company or companies as aforesaid.

SECTION 2. Any mortgage note taken under the provisions of this act shall contain proper reference thereto.

Mortgage notes to contain proper reference.

Approved May 3, 1907.

AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS, BEYOND THE LIMIT FIXED BY LAW, FOR ACQUIRING LAND AND FOR CONSTRUCTING AND EQUIPPING THEREON A BUILDING FOR MUNICIPAL PURPOSES.

Chap. 352

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford, for the purpose of acquiring a suitable site and for constructing thereon a building for municipal purposes, and for equipping the same, may incur indebtedness to an amount not exceeding three hundred thousand dollars, and may issue bonds, notes or scrip therefor, to be denominated on the face thereof, New Bedford Municipal Building Loan, Act of 1907. Such bonds, notes or scrip shall be signed by the treasurer of the city and countersigned by the mayor. They shall be payable at the expiration of periods not exceeding twenty years from the dates of issue, shall bear interest at a rate not exceeding four per cent per annum, and shall not be reckoned in determining the statutory limit of indebtedness of the city. The city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold or pledged for less than their par value.

The city of New Bedford may borrow money for a building for municipal purposes.

Proviso.

SECTION 2. The city at the time of authorizing said loan shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such provision has been made the amount required thereby shall without further vote annually be assessed by the assessors of the city, in the same manner in which other taxes are assessed, until the said debt is extinguished.

Payment of loan.

SECTION 3. For the purpose of acquiring land necessary upon which to construct said building the city of New Bedford may take the same by right of eminent domain.

Land may be taken by right of eminent domain.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1907.

Chap.353 AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS FOR THE PURPOSE OF RECONSTRUCTING ITS EXISTING CITY HALL AS A PUBLIC LIBRARY BUILDING.

Be it enacted, etc., as follows:

The city of New Bedford may borrow money for reconstructing its city hall as a public library building.

SECTION 1. The city of New Bedford, for the purpose of repairing, altering and reconstructing its existing city hall so as to adapt it for use as a public library, and for the purpose of equipping the same with the necessary furnishings of a public library, may incur indebtedness to an amount not exceeding one hundred and fifty thousand dollars, and may issue bonds, notes or scrip therefor, to be denominated on the face thereof, New Bedford Library Loan, Act of 1907. Such bonds, notes or scrip shall be signed by the treasurer of the city and countersigned by the mayor, shall be payable at the expiration of periods not exceeding twenty years from the dates of issue, and shall bear interest at a rate not exceeding four per cent per annum, and shall not be reckoned in determining the statutory limit of indebtedness of the city. The city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold or pledged for less than their par value.

Proviso.

Payment of loan.

SECTION 2. The city at the time of authorizing said loan shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such provision has been made the amount required thereby shall without further vote annually be assessed by the assessors of the city, in the same manner in which other taxes are assessed, until the said debt is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1907.

Chap.354 AN ACT TO PROVIDE FOR THE COMPENSATION OF AGENTS FOR THE BURIAL OF INDIGENT SOLDIERS AND SAILORS.

Be it enacted, etc., as follows:

1904, 381, § 17, amended.

SECTION 1. Section seventeen of chapter three hundred and eighty-one of the acts of the year nineteen hundred and four is hereby amended by striking out the words

“shall serve without compensation”, in the third and fourth lines, so as to read as follows: — *Section 17.* The mayor of each city and the selectmen of each town or, in Boston, the soldiers’ relief commissioner, shall designate a burial agent, who shall not be one of the overseers of the poor or be employed by them, and who shall, under regulations established by the commissioner of state aid, cause to be properly interred the body of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the war of the rebellion, or during the war between the United States and Spain after the fourteenth day of February and prior to the twelfth day of August in the year eighteen hundred and ninety-eight, and the body of his wife, widow or dependent mother, and the bodies of such army nurses as are entitled to state aid under section three of this act, if they die without sufficient means to defray funeral expenses; but no wife or widow of any soldier, sailor or marine of the civil war shall be entitled to the benefits of this section unless she was married to him prior to the year eighteen hundred and eighty, and no wife or widow of any soldier, sailor or marine of the Spanish war unless she was married to him prior to the first day of January in the year nineteen hundred and one. If an interment has taken place without the knowledge of the burial agent, application may be made to him within thirty days after the date of the death, and if upon investigation he shall find that the deceased was within the provisions of this section and the rules of the commissioner of state aid, he may certify the same as provided in the following section.

Burial agent
in cities and
towns, designation,
powers,
etc.

SECTION 2. Section eighteen of said chapter three hundred and eighty-one is hereby amended by striking out the word “thirty-five”, in the second line, and inserting in place thereof the word: — thirty-seven, — and by inserting after the word “dollars”, in the same line, the words: — two dollars of which shall be paid as compensation to the burial agent who has caused such interment to be made, — so as to read as follows: — *Section 18.* The expense of such burial shall not exceed thirty-seven dollars, two dollars of which shall be paid as compensation to the burial agent who has caused such interment to be made. It shall not be made in any cemetery or burial ground which is used exclusively for the burial of the pauper

1904, 381, § 18,
amended.

Expense of
burial, etc.

dead, or in any part so used of any cemetery or burial ground. Relatives of the deceased who are unable to bear the expense of burial may be allowed to conduct the funeral. The full amount so expended, the name of the deceased soldier, sailor or marine, the regiment, company or vessel in which he served, the date of death, place of interment, and in case of a wife or widow the name of the husband and date of marriage, and such other details as the commissioner of state aid may require, shall be certified under oath to him, in such manner as he may approve, by the burial agent and the treasurer of the city or town expending the amount, within ninety days after burial; and said commissioner shall endorse upon the certificate his allowance of such amounts as in his judgment have been paid and reported according to this chapter, and shall transmit such certificate to the auditor. The amounts legally paid and so allowed, with no expense for disbursement, shall be reimbursed by the Commonwealth to the several cities and towns on or before the tenth day of December in the year after the expenditures have been made.

Cities and towns to be reimbursed, etc.

When to take effect.

SECTION 3. This act shall take effect on the first day of June in the year nineteen hundred and seven.

Approved May 3, 1907.

Chap. 355 AN ACT TO PROHIBIT THE ADMISSION OF A CHILD UNDER FOURTEEN YEARS OF AGE TO PLACES OF AMUSEMENT AFTER SUNSET, UNLESS ACCOMPANIED BY AN ADULT.

Be it enacted, etc., as follows:

R. L. 102,
§ 184, etc.,
amended.

Admission of children to places of amusement regulated.

Section one hundred and eighty-four of chapter one hundred and two of the Revised Laws, as amended by chapter one hundred and seven of the acts of the year nineteen hundred and six, is hereby further amended by striking out said section and inserting in place thereof the following:—*Section 184.* Whoever, himself or by his servant or agent, admits a child under the age of fourteen years to any licensed show or place of amusement unless such child is accompanied by a person above the age of twenty-one years, shall, on complaint of a parent or guardian of the child or of any police officer or of a truant officer of the city or town in which the child is so admitted, be punished by a fine of not more than one hun-

dred dollars; but he shall not be liable to said fine if a child apparently fourteen years of age has obtained admission by any written misrepresentation or by any unauthorized entrance to said place of amusement, or has entered with and apparently in the company of a person above the age of twenty-one years but does not remain with such person, provided the person in charge of said place of amusement shall remove such child immediately from said place of amusement upon knowledge of the fact that the child is under fourteen years of age and not then accompanied by a person above the age of twenty-one years. The provisions of this section shall not apply to shows or entertainments which take place before sunset.

Approved May 3, 1907.

AN ACT RELATIVE TO THE ORGANIZATION OF THE MASSACHUSETTS VOLUNTEER MILITIA.

Chap. 356

Be it enacted, etc., as follows:

SECTION 1. The commander-in-chief shall from time to time prescribe in orders the organization of the Massachusetts volunteer militia in such a manner as to make the said organization conform to the requirements for the volunteer militia under the laws of the United States.

Organization of the Massachusetts volunteer militia.

SECTION 2. Whenever, by authority of this act or by existing law, the commander-in-chief increases the minimum of any organization of the militia to conform to the directions issued by the president of the United States or by the United States war department, he shall increase the maximum number authorized to be enlisted by an amount not in excess of the number by which he has so raised the minimum.

Duties of the commander-in-chief relative to an increase in the enlisted men of.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1907.

AN ACT RELATIVE TO THE APPOINTMENT OF NURSES BY THE SCHOOL COMMITTEE OF THE CITY OF BOSTON.

Chap. 357

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Boston shall appoint one supervising female nurse and so many district female nurses as in their opinion are neces-

School committee of Boston to appoint female nurses, etc.

sary. The said nurses shall hold office for such terms as the school committee may determine and shall perform such duties as the committee may designate, but more particularly they shall assist the medical inspectors in their work in the public schools of the city, seeing that the directions given by the inspectors are carried out, and giving such instruction to the pupils as will promote their physical welfare.

Regulations
as to appoint-
ment of
nurses, etc.

SECTION 2. No person shall be appointed as one of the said nurses unless she has taken a course of instruction in, and has graduated from, some hospital or similar institution giving a course of instruction in nursing at least two years in length, and has presented to the school committee satisfactory evidence that she possesses good character and health, nor unless, in addition, she shall have passed an examination given under the direction of the school committee and designed to test the applicant's training, knowledge, character, experience and aptness for the work.

Appropriations
for
expenses.

SECTION 3. To meet the expense incurred under this act the school committee of the city may appropriate, in addition to the amounts allowed by chapter four hundred and forty-eight of the acts of the year nineteen hundred and one, and in the same manner in which other appropriations for the support of the public schools of the city are made by the school committee, a sum not exceeding ten thousand dollars in the current financial year, and in each year thereafter two cents upon each one thousand dollars of the valuation upon which the appropriations of the city council of the city are based.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1907.

Chap. 358 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE MASSACHUSETTS HOSPITAL SCHOOL.

Be it enacted, etc., as follows:

Massachusetts
hospital school.

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance of the Massachusetts hospital school.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1907.

AN ACT TO ESTABLISH THE SALARIES OF THE MESSENGERS OF
THE SERGEANT-AT-ARMS.

Chap. 359

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter ten of the Revised Laws, as amended by chapter four hundred and fifty-five of the acts of the year nineteen hundred and three and by section two of chapter two hundred and eighteen of the acts of the year nineteen hundred and five, is hereby further amended by striking out the word "eleven", in the fourth line, and inserting in place thereof the word:— twelve,— so as to read as follows:— *Section 10.* The annual salary of the sergeant-at-arms shall be thirty-five hundred dollars; of his first clerk, twenty-two hundred dollars; of each of his messengers, twelve hundred dollars; of the clerk of the legislative document division, twelve hundred dollars; of the messenger to the treasurer and receiver general, sixteen hundred dollars. The compensation of the watchmen at the state house shall be twelve hundred dollars a year, and that of the assistant watchmen at the state house shall be eleven hundred dollars a year.

R. L. 10, § 10,
etc., amended.

Salary of
sergeant-at-
arms, etc.

SECTION 2. The increase of salaries provided for in the preceding section shall be allowed from the first day of January in the year nineteen hundred and seven.

When to take
effect.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1907.

AN ACT TO AUTHORIZE THE TOWN OF RANDOLPH TO INCUR
INDEBTEDNESS FOR THE PURPOSE OF RENEWING CERTAIN
NOTES.

Chap. 360

Be it enacted, etc., as follows:

SECTION 1. For the purpose of renewing, refunding or reissuing the following notes given by the town of Randolph, namely:— a note for fifteen thousand dollars, dated April thirtieth, nineteen hundred, payable on demand to the Randolph Water Loan Sinking Fund, and purchased and now held by the sinking fund commissioners of the said town; a note for ten thousand dollars, dated April first, eighteen hundred and ninety-seven, payable on demand to the Randolph Savings Bank; a note for five thousand dollars, dated December twelfth, eighteen hundred and ninety-four, payable on demand to the Randolph Sav-

Renewal of
certain notes
of the town
of Randolph.

ings Bank; a note for five thousand dollars, dated July first, eighteen hundred and eighty-nine, payable on demand to the Turner Free Library,—the treasurer of the town, with the approval of a majority of the selectmen and in accordance with a vote of the town already passed, is hereby authorized to borrow a sum of money not exceeding thirty-five thousand dollars, and to issue notes or bonds therefor payable at periods not exceeding thirty years from the dates of issue. Such notes or bonds shall be signed by the treasurer and countersigned by the selectmen, shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum, and shall be sold or disposed of in such manner and upon such terms as the treasurer and selectmen may determine. At the time of issuing the said notes or bonds the town shall provide for the payment thereof in such annual payments as will extinguish the debt within the time prescribed in this act; and when a vote to that effect has been passed the amount required therefor shall be raised annually by taxation in the same manner in which other taxes are raised, without any further vote or action by the town.

When to take effect.

SECTION 2. This act shall take effect upon its acceptance by a vote of two thirds of the voters present and voting thereon at an annual town meeting, or at a special town meeting duly called for the purpose.

Approved May 3, 1907.

Chap. 361 AN ACT TO AUTHORIZE PRIVATE SALES IN THE PARTITION OF LAND.

Be it enacted, etc., as follows:

R. L. 184, § 47,
amended.

Section forty-seven of chapter one hundred and eighty-four of the Revised Laws is hereby amended by inserting after the word "had", in the fifteenth line, the words:—or such sale may be made at private sale if the petitioner requests it, and the court after notice to all parties in interest and a hearing, or after receiving the written assent of all parties in interest, finds that an advantageous offer for the purchase thereof has been made and that the interests of all parties will be promoted by an acceptance of such offer,—so as to read as follows:—*Section 47.* In any case of partition, the court may, at the time of appointing commissioners, or subsequently by agreement

Sale of land,
etc.

of parties, or at any time after notice to all persons interested, order the commissioners to sell and convey the whole or any part of the land which cannot be advantageously divided, upon such terms and conditions and with such securities for the proceeds of such sale as the court may order, and to distribute and pay over the proceeds of the sale in such manner as to make the partition just and equal. If the court orders such sale before the commissioners are appointed, it may appoint one commissioner to make such sale, conveyance and division of its proceeds. Such sale shall be made by public auction, after like notice as is required for the sale of land by an administrator, and the evidence thereof may be perpetuated in like manner by returns filed with the clerk or register of the court in which the proceedings are had, or such sale may be made at private sale if the petitioner requests it, and the court after notice to all parties in interest and a hearing, or after receiving the written assent of all parties in interest, finds that an advantageous offer for the purchase thereof has been made and that the interests of all parties will be promoted by an acceptance of such offer. The conveyance shall be conclusive against all parties to the proceedings for partition and those claiming under them. The provisions of section nineteen of chapter one hundred and forty-eight shall apply to such sales.

Sale of land,
etc.

Approved May 3, 1907.

AN ACT RELATIVE TO THE ARREST AND DETENTION OF BOYS AND GIRLS WHO HAVE ESCAPED OR HAVE BEEN RELEASED FROM THE LYMAN SCHOOL FOR BOYS OR THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Chap. 362

Be it enacted, etc., as follows:

SECTION 1. A boy who has been committed to the Lyman school for boys or a girl who has been committed to the state industrial school for girls, and who has escaped therefrom, may be arrested without a warrant by a sheriff, deputy sheriff, constable or police officer and may be kept in custody in a suitable place and there detained until such boy or girl may be removed to the school from which he or she escaped or was released.

Arrest and
detention of
boys and girls
escaped or
released from
certain state
institutions.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1907.

Chap. 363 AN ACT TO PROVIDE FOR THE HUMANE KILLING OF OLD, DISEASED AND DISABLED ANIMALS.

Be it enacted, etc., as follows:

Humane killing of old or diseased animals.

SECTION 1. Any officer or agent of any society incorporated under the laws of Massachusetts for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals, provided he is also a constable, sheriff or deputy sheriff, or a police officer of any city or town, may take possession of any old, maimed, disabled, diseased or injured animal and apply to any municipal, district or police court or trial justice within whose district the animal is found for process to cause the same to be killed humanely. If the owner is known, and if, after reasonable search, he can be found, a copy of such application shall be served upon him in hand with an order of court to appear at a time and place named to show cause why such animal should not be killed and its value determined. If the owner is not known, or if, after reasonable search, he cannot be found, the court shall order notices to be posted in two public places in the city or town in which the animal was found, stating the case in substance, and giving twenty-four hours' notice of a hearing on said application. At such hearing, if it appears that such animal is so old, maimed, disabled, diseased or injured as to be unfit for humane use, the court shall determine the value of the animal, and shall issue process directing any officer designated above to kill the same humanely. From the determination of the value of the animal the owner may appeal to the superior court in the same manner and with the same effect as in civil actions: *provided*, that, if he has not been served personally with notice of such application, the appeal may be taken at any time within thirty days after he has actual notice or knowledge thereof, to be proved to the satisfaction of the court or justice appealed from, and within one year after such determination.

Proviso.

Payment of value of diseased animals, etc.

SECTION 2. The value, if there be any, of the animal, as determined by the court or by a jury, in case upon appeal a trial by jury is claimed within the time prescribed by law, and the reasonable costs and expenses incurred by said officer, to be approved by the court, shall be paid by

the society whose officer or agent made the application for process in pursuance of which the animal was killed.

SECTION 3. If the animal taken possession of as aforesaid has any infectious or contagious disease, or, for any reason, might lawfully be destroyed as an abatement of a public nuisance, that fact shall be *prima facie* evidence that the animal has no value.

Value of
animals killed,
etc.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1907.

AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE
STATE BOARD OF HEALTH.

Chap. 364

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and twenty-five of the acts of the year nineteen hundred and six is hereby amended by striking out the word "four", in the second line, and inserting in place thereof the word: — five, — so as to read as follows: — *Section 1.* The secretary of the state board of health shall receive an annual salary of five thousand dollars and his necessary travelling expenses incurred in the performance of his official duties.

1906, 425, § 1,
amended.

Salary of
secretary of
the state
board of
health.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1907.

AN ACT RELATIVE TO PLANS, DESCRIPTIONS AND RECORDS OF
MAIN DRAINS AND COMMON SEWERS.

Chap. 365

Be it enacted, etc., as follows:

Section twenty-four of chapter forty-nine of the Revised Laws is hereby amended by adding at the end thereof the words: — or in such office of the city or town as the city or town by ordinance or by-law may determine, — so as to read as follows: — *Section 24.* Plans and descriptions of all main drains and common sewers belonging to a city or town, with a true record of the charges of making and repairing said drains and sewers, and of all assessments therefor, shall be kept in the office of the city or town clerk, or in such office of the city or town as the city or town by ordinance or by-law may determine.

R. L. 49, § 24,
amended.

Plans and
descriptions
of main
drains, etc.

Approved May 3, 1907.

Chap.366 AN ACT TO PROHIBIT GAMING AND BETTING IN PUBLIC PLACES.*Be it enacted, etc., as follows:*R. L. 214, § 2,
amended.Penalty for
gaming in
railroad car,
etc.

Section two of chapter two hundred and fourteen of the Revised Laws is hereby amended by inserting after the word "conveyance", in the second line, the words:— or public place,— so as to read as follows:— *Section 2.* Whoever, in a railroad car, steamboat or other public conveyance, or public place, plays at cards, dice or any other game for money or other property, or bets on the sides or hands of those playing, shall for each offence forfeit not more than fifty dollars or be imprisoned for not more than three months. If he is discovered in the act, he may be arrested without a warrant by a sheriff, deputy sheriff, constable or other civil officer, and held in custody, in jail or otherwise, for not more than twenty-four hours, until complaint is made against him for such offence.

*Approved May 3, 1907.***Chap.367** AN ACT RELATIVE TO THE EXEMPTION FROM TAXATION OF VETERANS OF THE CIVIL WAR.*Be it enacted, etc., as follows:*1906, 315, § 1,
amended.Exemption
from taxation
of certain
veterans, etc.

SECTION 1. Chapter three hundred and fifteen of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following:— *Section 1.* Soldiers and sailors who served in the military or naval service of the United States in the war of the rebellion, and who were honorably discharged therefrom, shall be assessed for, but shall be exempt, at their request, from the payment of a poll tax, and the property of soldiers and sailors who served as aforesaid and were honorably discharged as aforesaid but who would not be entitled to exemption under the thirteenth clause of section five of chapter twelve of the Revised Laws, and the property of the wives or widows of such soldiers or sailors, shall be exempted from taxation to the amount of one thousand dollars in the case of each person: *provided*, that the whole estate, real and personal, of the person so exempted does not exceed in value the sum of five thousand dollars, exclusive of the value of the mortgage interest, held by persons other than the person to be exempted in such mortgage real estate

Proviso.

as may be included in said whole estate; and *provided*, Provisos. *further*, that the combined exemption of such a soldier or sailor and his wife shall not exceed one thousand dollars, and *provided, further*, that no exemption shall be made of the property of such a soldier or sailor or his wife whose combined property estimated in the manner above provided exceeds five thousand dollars. If the property taxable in the Commonwealth of a person entitled to exemption under the provisions of this act, or of the ninth and thirteenth clauses of section five of chapter twelve of the Revised Laws, is taxable in more than one city or town, such proportion of the total exemption shall be made in each city or town as the value of the property taxable in such city or town bears to the whole of the property taxable in the Commonwealth. No exemption shall be made under the provisions of this act, or of the ninth and thirteenth clauses of section five of chapter twelve of the Revised Laws, of the property of a person who is not a legal resident of this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1907.

AN ACT TO INCORPORATE THE MUTUAL DIRECT LIFE ASSURANCE SOCIETY OF BOSTON.

Chap. 368

Be it enacted, etc., as follows:

SECTION 1. Henry L. Higginson, Thomas L. Livermore, Edmund D. Codman, Louis A. Frothingham, Laurence Minot, Charles F. Adams, 2d, and John P. Reynolds, Junior, their associates and successors, are hereby made a corporation by the name of the Mutual Direct Life Assurance Society of Boston, to be located in the city of Boston, for the purpose of making insurance on lives and granting annuities; and said corporation is hereby granted all the powers, rights and privileges and is made subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to domestic life insurance corporations and not inconsistent with this act.

Mutual Direct
Life Assurance
Society
incorporated.

SECTION 2. The corporation shall have a paid-up cash capital of two hundred thousand dollars, divided into shares of one hundred dollars each, all of which shall be subscribed and paid in cash before the corporation shall be authorized to begin business.

Capital stock.

Payment of
capital stock,
etc.

SECTION 3. In addition to the subscription and payment of the capital stock as provided in the preceding section, each person subscribing for the stock shall at the same time subscribe and pay for in cash, as a part of the original surplus of said corporation, fifty dollars for each share of stock subscribed and paid for, and the amount of all such additional payments shall constitute the original surplus of the corporation.

Organization
of corporation.

SECTION 4. At the first meeting of the corporation eight directors, a majority of whom shall be residents of Massachusetts, shall be chosen by the subscribers to the capital stock, who shall hold office for one year and until their successors are chosen and qualified. At all subsequent elections eight directors shall be chosen, unless the by-laws of the corporation provide for a larger number; and at such subsequent elections one half of the number of directors shall be chosen by the stockholders and the other half by the policy holders, voting in separate bodies. No person shall be eligible to election as a director unless he is a stockholder or a policy holder of the corporation, and upon ceasing to be such he shall cease to hold such office. After the retirement of the capital stock of the corporation, as provided in this act, all directors shall be chosen by the policy holders.

Dividends.

SECTION 5. The corporation may declare and pay annually or semi-annually from its surplus cash dividends to its stockholders of not more than five per cent on the amount of its unretired capital and paid-in surplus, and if the dividends in any one year are less than five per cent the difference may be made up in any subsequent years or years from surplus accumulations; but no such dividend shall be declared or paid unless the surplus of the corporation, after paying or providing for the payment of such dividend, shall exceed one hundred thousand dollars.

Application
of surplus
earnings.

SECTION 6. When the admitted assets of the corporation on the thirty-first day of December in any year, after deducting all liabilities, including the capital stock, and after providing for dividends to stockholders in accordance with the provisions of the preceding section, and after providing for the distribution to policy holders of not more than seventy-five per cent of the surplus accruing from the savings from mortality, and from interest earned in excess of the amount necessary to maintain the reserve, shall exceed one hundred and fifty thousand dollars, the amount

in multiples of one thousand dollars in excess of one hundred thousand dollars shall within three months be applied, first, to the retirement of the original surplus contributed by the stockholders, and secondly, after the retirement of the original surplus contributed by the stockholders to the retirement of the capital stock; but nothing contained in this act shall be construed to authorize or permit the retirement either of the original surplus or the capital stock so as to reduce the surplus over all liabilities to an amount less than one hundred thousand dollars.

SECTION 7. The corporation shall issue policies on acceptable risks of two hundred and fifty dollars, five hundred dollars, seven hundred and fifty dollars, and one thousand dollars, and for such other amounts as may be authorized by the board of directors; and premiums on all policies shall, at the request of the insured, be payable in monthly instalments.

Issue of policies.

SECTION 8. The corporation shall not employ any person to solicit business or to make house to house collections, but the directors may appoint correspondents to receive applications for insurance and to receive premiums, who shall not be paid on a commission basis except for the collection of premiums, and not more than five per cent of the amount collected. Notice of the appointment of such correspondents shall be filed forthwith by the corporation at the office of the insurance commissioner. The corporation may establish offices and adopt means for the receipt of applications for insurance and for the deposit of premiums and annuity payments at convenient places and times; but the corporation shall issue no policy or contract of insurance until the insurance commissioner has ascertained that its capital has been paid in, and that it has otherwise complied with the provisions of this act; nor until it has obtained from the commissioner a certificate to that effect and authorizing it to issue policies.

Shall not solicit business, etc.

Approved May 3, 1907.

AN ACT TO RATIFY AND CONFIRM CERTAIN PROCEEDINGS OF
THE JUNIPER POINT ASSOCIATION.

Chap. 369

Be it enacted, etc., as follows:

The proceedings of any meetings of the Juniper Point Association, a corporation organized under the laws of the Commonwealth, shall not be invalid because its records do

Proceedings of the Juniper Point Association confirmed, etc.

not show that certain clerks of said association were duly sworn or that certain meetings were duly notified, or because said clerks were not sworn according to law or said meetings were not duly notified, or because of any omission to hold an annual meeting; and all acts and proceedings of said association since its incorporation shall be valid, to the same extent as if said clerks had been duly sworn and all meetings had been duly notified and held.

Approved May 3, 1907.

Chap.370 AN ACT RELATIVE TO WRITS OF ATTACHMENT OF REAL ESTATE.

Be it enacted, etc., as follows:

R. L. 167, § 62,
amended.

When attach-
ment shall
take effect.

SECTION 1. Section sixty-two of chapter one hundred and sixty-seven of the Revised Laws is hereby amended by adding at the end thereof the words:—or, in cases where the owner of the land sought to be attached is wrongly named in the writ, and the writ is afterward seasonably amended in that respect, then except from the time when a correspondingly amended copy is deposited as aforesaid,—so as to read as follows:—*Section 62.* If the copy of the writ is deposited, as aforesaid, within three days after the day when the attachment was made, the attachment shall take effect from the time it was made; otherwise, from the time when the copy is so deposited; but attachments of land, and of leasehold estates which have an original term of more than seven years, shall not be valid against purchasers in good faith and for value, other than the defendant, except from the time when the copy is deposited as aforesaid, or, in cases where the owner of the land sought to be attached is wrongly named in the writ, and the writ is afterward seasonably amended in that respect, then except from the time when a correspondingly amended copy is deposited as aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1907.

Chap.371 AN ACT TO REGULATE DISBURSEMENTS BY TRUSTEES.

Be it enacted, etc., as follows:

Disburse-
ments by
trustees.

SECTION 1. Unless expressly otherwise provided by the instrument creating the trust, trustees' and brokers' commissions and other expenses properly incurred and paid

by trustees for or in connection with the sale, exchange or purchase of property shall be charged to capital. Commissions and expenses paid by trustees for negotiating or effecting leases for terms longer than five years shall be charged to capital in the first instance, and a part thereof proportionate to the number of years of the term shall be repaid from income to capital in each year while the lease and the trust coexist.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1907.

AN ACT TO AUTHORIZE THE PLYMOUTH CORDAGE COMPANY TO EXPEND A PART OF ITS CORPORATE FUNDS FOR IMPROVING A CHANNEL IN PLYMOUTH HARBOR.

Chap.372

Be it enacted, etc., as follows:

SECTION 1. The Plymouth Cordage Company is hereby authorized to expend so much of its corporate funds as may be necessary for the purpose in improving the channel in Plymouth harbor leading to the company's wharf, and to enter into any contracts or obligations necessary or proper for this purpose.

The Plymouth Cordage Company may improve a channel in Plymouth harbor.

SECTION 2. This act shall take effect only upon its acceptance by vote of a majority of the stockholders of said company.

When to take effect.

Approved May 4, 1907.

AN ACT RELATIVE TO GRANTING LICENSES TO ENGINEERS AND FIREMEN.

Chap.373

Be it enacted, etc., as follows:

SECTION 1. Section seventy-eight of chapter one hundred and two of the Revised Laws is hereby amended by inserting after the word "boilers", in the third, fifth and sixth lines, and before the word "under", in the fourth line, the words:— and engines,— so as to read as follows:— *Section 78.* No person shall have charge of or operate a steam boiler or engine in this Commonwealth, except boilers and engines upon locomotives, motor road vehicles, boilers and engines in private residences, boilers in apartment houses of less than five flats, boilers and engines under the jurisdiction of the United States, boilers and engines used for agricultural purposes exclusively, boilers and engines of less than eight horse power, and

R. L. 102, § 78, amended

Persons in charge of certain boilers to be licensed, etc.

boilers used for heating purposes exclusively which are provided with a device approved by the chief of the district police limiting the pressure carried to fifteen pounds to the square inch, unless he holds a license as hereinafter provided. The owner or user of a steam boiler or engine, other than boilers or engines above excepted, shall not operate or cause to be operated a steam boiler or engine for a period of more than one week, unless the person in charge of and operating it is duly licensed.

R. L. 102, § 82,
etc., amended.

Classes of
licenses.

SECTION 2. Section eighty-two of said chapter one hundred and two, as amended by section two of chapter three hundred and ten of the acts of the year nineteen hundred and five, and by chapter four hundred and fourteen of the acts of the year nineteen hundred and six, is hereby further amended by striking out said section and inserting in place thereof the following:— *Section 82.* Licenses shall be granted according to the competence of the applicant and shall be distributed in the following classes:— *Engineers' licenses:*— First class, to have charge of and operate any steam plant. Second class, to have charge of and operate a boiler or boilers, and to have charge of and operate engines, no one of which shall exceed one hundred and fifty horse power, or to operate a first class plant under the engineer in direct charge of the plant. Third class, to have charge of and operate a boiler or boilers not exceeding in the aggregate one hundred and fifty horse power, and an engine not exceeding fifty horse power, or to operate a second class plant under the engineer in direct charge of the plant. Fourth class, to have charge of and operate hoisting and portable engines and boilers. *Firemen's licenses:*— Extra first class, to have charge of and operate any boiler or boilers. First class, to have charge of and operate any boiler or boilers where the pressure carried does not exceed twenty-five pounds to the square inch, or to operate high pressure boilers under the engineer or fireman in direct charge thereof. Second class, to operate any boiler or boilers under the engineer or fireman in direct charge thereof. Any person holding a first class or second class fireman's license at the time of the passage of this act shall receive a first class fireman's license under this act. A person holding an extra first class or first class fireman's license may operate a third class plant under the engineer in direct charge of the plant. A person holding

an engineer's or fireman's license who desires to have charge of or to operate a particular steam plant or type of plant may, providing he holds an engineer's or fireman's license, if he files with his application a written request signed by the owner or user of said plant for such examination, be examined as to his competence for such service and no other, and if found competent and trustworthy shall be granted a license for such service and no other. No special license shall be granted to give any person charge of a plant over one hundred and fifty horse power.

SECTION 3. Section eighty-four of said chapter one hundred and two is hereby amended by striking out the said section and inserting in place thereof the following:

— *Section 84.* A person who is aggrieved by the action of an examiner in refusing or revoking a license may appeal therefrom to the remaining examiners, three or more of whom shall together act as a board of appeal, and shall have the power to hear the parties and pass upon the subjects of appeal. If appeal is taken it must be within one month after the decision of the examiner. The appellant may have the privilege of having one first class engineer present during the hearing of his appeal, but he shall take no part therein. The decision of the majority of such examiners so acting as a board of appeal shall be final if approved by the chief of the district police.

R. L. 102, § 84,
amended.

Appeal from
decision of
examiner.

SECTION 4. Section eighty-five of said chapter one hundred and two is hereby amended by adding at the end thereof the words: — The person in charge of a stationary steam boiler upon which the safety valve is set to blow off at more than twenty-five pounds pressure to the square inch, except boilers upon locomotives, motor road vehicles, boilers in private residences, boilers in apartment houses of less than five flats, boilers under the jurisdiction of the United States, boilers used for agricultural purposes exclusively, and boilers of less than eight horse power, shall keep a daily record of the boiler, its condition when under steam and all repairs made and work done on it, upon forms to be obtained upon application from the boiler inspection department. These records shall be kept on file and shall be accessible at all times to the members of the boiler inspection department, — so as to read as follows:

R. L. 102, § 85,
amended.

— *Section 85.* An engineer's or fireman's license, granted under the provisions of the seven preceding sections or the

Licenses to be
displayed, etc.

corresponding provisions of earlier laws, shall be placed so as to be easily read in a conspicuous place in the engine room or boiler room of the plant operated by the holder of such license. The person in charge of a stationary steam boiler upon which the safety valve is set to blow off at more than twenty-five pounds pressure to the square inch, except boilers upon locomotives, motor road vehicles, boilers in private residences, boilers in apartment houses of less than five flats, boilers under the jurisdiction of the United States, boilers used for agricultural purposes exclusively, and boilers of less than eight horse power, shall keep a daily record of the boiler, its condition when under steam and all repairs made and work done on it, upon forms to be obtained upon application from the boiler inspection department. These records shall be kept on file and shall be accessible at all times to the members of the boiler inspection department.

When to take effect.

SECTION 5. This act shall take effect on the first day of September in the year nineteen hundred and seven.

Approved May 4, 1907.

Chap.374 AN ACT TO AUTHORIZE THE NEW BEDFORD AND ONSET STREET RAILWAY COMPANY TO MANUFACTURE AND SELL ELECTRICITY FOR LIGHT AND POWER.

Be it enacted, etc., as follows:

The New Bedford and Onset Street Railway Company may manufacture and sell electricity, etc.

SECTION 1. The New Bedford and Onset Street Railway Company is hereby authorized, with the approval of the board of gas and electric light commissioners, to carry on the business of manufacturing and selling electricity for light and power in the town of Wareham, with all the rights, powers and privileges and subject to all the duties, liabilities and restrictions now or hereafter conferred or imposed by law upon gas and electric light companies.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1907.

Chap.375 AN ACT RELATIVE TO THE RECOVERY OF DAMAGES FOR DEATH CAUSED BY THE NEGLIGENCE OF PERSONS OR CORPORATIONS, OR OF THE AGENTS OR SERVANTS THEREOF.

Be it enacted, etc., as follows:

R. L. 171, § 2, amended.

SECTION 1. Section two of chapter one hundred and seventy-one of the Revised Laws is hereby amended by striking out the word "gross", in the second line, by

striking out the word "five", in the sixth line, and inserting in place thereof the word:—ten,— and by striking out the words "one year", in the ninth line, and inserting in place thereof the words:—two years,— so as to read as follows:— *Section 2.* If a person or corporation by his or its negligence, or by the negligence of his or its agents or servants while engaged in his or its business, causes the death of a person who is in the exercise of due care and not in his or its employment or service, he or it shall be liable in damages in the sum of not less than five hundred nor more than ten thousand dollars to be assessed with reference to the degree of his or its culpability or of that of his or its agents or servants, to be recovered in an action of tort, commenced within two years after the injury which caused the death, by the executor or administrator of the deceased, one-half thereof to the use of the widow and one-half to the use of the children of the deceased; or, if there are no children, the whole to the use of the widow; or, if there is no widow, the whole to the use of the next of kin.

Action for causing death, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1907.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF PLYMOUTH TO ENLARGE AND IMPROVE CERTAIN PUBLIC BUILDINGS.

Chap. 376

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Plymouth are hereby authorized and directed to enlarge and improve the jail and house of correction at Plymouth in said county, to furnish the same suitably, and to enlarge the grounds surrounding the same, for which purpose they may take, or otherwise acquire, such land as is necessary.

Improvement of jail and house of correction at Plymouth.

SECTION 2. The said county commissioners are hereby authorized and directed to enlarge the court house at Brockton or to erect an annex thereto for the better accommodation of the court and law library, and suitably to furnish the new quarters thus provided.

Enlargement of the court house at Brockton.

SECTION 3. The said county commissioners shall, within sixty days after the taking of any land under this act, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county a description of

Takings of land, etc., to be recorded.

such land sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by the county commissioners; and the title of the land so taken shall vest in the county in fee. The county shall pay all damages to property sustained by any person by reason of any act done under authority hereof; and the damages shall be ascertained and determined in the manner provided by law in the case of land taken for the laying out of highways.

Expenditures.

SECTION 4. In order to meet the expenses incurred under this act said commissioners may borrow from time to time upon the credit of said county a sum not exceeding seventy-five thousand dollars, of which sum not more than thirty thousand shall be expended for the improvements in Plymouth and not more than forty-five thousand dollars shall be expended for the improvements in Brockton. Said indebtedness shall be paid out of the amounts raised by taxation at the rate of five thousand dollars each year, beginning with the year nineteen hundred and eight, until the whole indebtedness is paid.

SECTION 5. This act shall take effect upon its passage.

Approved May 6, 1907.

Chap.377 AN ACT TO REGULATE THE TAKING OF DEPOSITS BY CERTAIN BANKS, ASSOCIATIONS AND PERSONS.

Be it enacted, etc., as follows:

1906, 408, § 1,
amended.

Certain corporations, etc.,
receiving deposits to give
bond, etc.

SECTION 1. Chapter four hundred and eight of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following:—*Section 1.* All persons, partnerships, associations or corporations now or hereafter engaged in the selling of steamship or railroad tickets for transportation to or from foreign countries, or in the supplying of laborers, that, in conjunction with said business, carry on the business of receiving deposits of money for safe keeping, or for the purpose of transmitting the same, or equivalents thereof, to foreign countries, or for any other purpose, shall, before entering into or continuing in the said business, except as hereinafter provided, make, execute and deliver a bond to the treasurer and receiver general in such sum as the bank commissioner may deem necessary to cover money or deposits received for the

aforesaid purposes by such persons, partnerships, associations or corporations, the bond to be conditioned upon the faithful holding and repayment of the money deposited as aforesaid, and upon the faithful holding and transmission of any money, or equivalent thereof, which shall be delivered to them for transmission to a foreign country. If any person, partnership or member of a partnership, or any association or corporation engaged or financially interested in the selling of tickets or supplying of laborers as aforesaid is also engaged or financially interested in the business of receiving deposits of money as aforesaid, or if any person, partnership or member of a partnership, or any association or corporation engaged or financially interested in the business of receiving deposits of money as aforesaid is also engaged or financially interested in the selling of tickets or supplying of laborers as aforesaid, such person, partnership, member of a partnership, association or corporation, shall be held to be subject to the provisions of this section, under whatever name or by whatever persons the said business of selling tickets or supplying laborers or the said business of receiving deposits is carried on.

SECTION 2. Any person, partnership, association or corporation transacting the business described in section one shall be subject to the supervision of the bank commissioner, and shall annually, within thirty days after the last business day in October, and at such other times as he may specify, make to him in such form as he may prescribe a return signed and sworn to by such officers or persons as he may designate, showing accurately the condition thereof at the close of business on said day.

Subject to supervision by the bank commissioner.

SECTION 3. The books and accounts of every such person, partnership, association or corporation shall be kept and audited in such manner and form, and the persons charged with the custody of the funds and investments thereof shall give a bond in such manner and amount and to such person as the bank commissioner may prescribe.

Books and accounts to be audited, etc.

SECTION 4. The bank commissioner shall, at such times as he may deem expedient, examine, either personally or by a competent examiner whom he shall appoint, every such person, partnership, association or corporation, and thoroughly inspect and examine its affairs to ascertain its financial condition and whether it has complied with all

Examination.

provisions of law applicable thereto. The proper charges incurred by reason of any such examination shall be paid by the person, partnership, association or corporation concerned.

Bank commissioner to have access to books, etc.

SECTION 5. For the purposes aforesaid the bank commissioner or the person making the examination shall have free access to the vaults, books and papers of every such person, partnership, association or corporation, and may summon the directors, officers or agents thereof, and such other witnesses as may be deemed necessary, for examination relative to the affairs, transactions and condition of such person, partnership, association or corporation; and for that purpose the commissioner or the person making the examination is hereby empowered to administer oaths. Whoever, without justifiable cause, refuses to appear and testify when so required, or obstructs the commissioner or the person making the examination in the performance of his duty, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

Injunction may issue.

SECTION 6. If, upon examination, it appears that such person, partnership, association or corporation is insolvent, or that its capital is impaired, or that its condition is such as to render the continuance of its business hazardous to the public or to those having funds in its custody, the bank commissioner shall apply, or, if such person, partnership, association or corporation appears to have exceeded its powers or failed to comply with any provision of law he may apply, to the supreme judicial court, which shall have jurisdiction in equity on such application to issue an injunction restraining such person, partnership, association or corporation, in whole or in part, from further proceeding with its business, and to make such further order or decree as justice and equity may require. The court may appoint one or more receivers to take possession of the property and effects of such person, partnership, association or corporation, subject to such directions as may from time to time be prescribed by the court.

1905, 428, § 5, amended.

SECTION 7. Chapter four hundred and twenty-eight of the acts of the year nineteen hundred and five is hereby amended by striking out section five and inserting in place thereof the following: — *Section 5.* This act shall not apply to drafts, money orders and travellers' checks issued

Not to apply to drafts, etc.

by transatlantic steamship companies or by express companies doing an international business, whether such drafts, money orders and travellers' checks are sold by such companies or by their duly authorized agents.

Approved May 6, 1907.

AN ACT TO PROVIDE FOR THE AUTHORITATIVE ASCERTAINMENT OF MUNICIPAL LIENS ON REAL ESTATE.

Chap.378

Be it enacted, etc., as follows:

SECTION 1. The collector of taxes for any city shall, on application in writing by any person, and within two days thereafter, furnish to any such applicant a statement in writing of all taxes and other assessments which at the time constitute liens on the parcel of real estate specified in such application and are payable on account of such real estate. Such statement shall be itemized and shall show the amount or amounts then payable to the city on account of all such taxes and assessments so far as such amounts are fixed and ascertained, and if the same are not then ascertainable, it shall so be expressed in the statement. Any officer or board of any city doing any act towards establishing any such tax, assessment, lien or charge upon any real estate in such city shall transmit a notice of such act to the collector of taxes of such city.

Ascertainment of municipal liens on real estate, etc.

SECTION 2. City collectors shall charge one dollar for each statement issued under the provisions of this act, and the money so received shall be paid into the city treasury.

Charge for statement.

Approved May 6, 1907.

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO IMPROVE AND EXTEND THE CHANNELS IN PLYMOUTH HARBOR.

Chap.379

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth is hereby authorized to raise and appropriate from time to time money for the improvement and extension of the channels in Plymouth harbor, and to make contracts and agreements therefor with the Commonwealth and with corporations and persons.

The town of Plymouth may appropriate money for improving channels, etc.

SECTION 2. No work shall be done under this act without the approval of the board of harbor and land commissioners, nor until the money therefor has been appropri-

Work to be approved by the harbor and land commissioners, etc.

ated by the town by a two thirds vote of those present and voting at any town meeting called for the purpose.

Town may
issue bonds,
etc.

SECTION 3. The town of Plymouth may from time to time for the purpose mentioned in this act issue bonds, notes or scrip payable at the expiration of periods not exceeding thirty years from the dates of issue, with interest payable semi-annually at a rate not exceeding four per cent per annum. Such bonds, notes or scrip shall be signed by the treasurer and countersigned by a majority of the selectmen. At the time of issuing the said securities the town shall provide by taxation for annual proportionate payments of the debt and for the payment of the interest thereon; and when a vote to that effect has been passed the amount required in each year shall be assessed and collected in the same manner in which other taxes are assessed and collected, without further vote or action by the town.

To provide for
proportionate
payments.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1907.

Chap. 380 AN ACT RELATIVE TO THE WATER SUPPLY SYSTEM OF THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

Town of
Framingham
may acquire
certain waters,
etc.

SECTION 1. The town of Framingham, for the purpose of extending its present system of water supply and for water purposes or purposes incident thereto, may from time to time take or acquire by purchase or otherwise, the whole or any part of the waters of any pond, brook, spring, well or stream lying wholly or partly within the limits of said town, and all the waters connected therewith: *provided*, that such waters are not a part of the present system of water supply of the metropolitan water system; and may obtain water by means of bored, driven, artesian or other wells on any land within the limits of said town or adjacent thereto, and may enter upon any land in said town or adjacent thereto for the purpose of making surveys and tests; and may also from time to time take or acquire by purchase or otherwise, and hold in fee all lands and easements necessary for said purposes or for rights of way, or for holding, storing, purifying and preserving such waters, for conveying the same to any part of said town, or for extending the present system of water sup-

Proviso.

ply; *provided, further*, that no source of water supply for domestic purposes shall be acquired under this act without the consent of the state board of health. Proviso.

SECTION 2. Nothing in this act shall affect any existing rights of said town acquired under any previous act, and all existing provisions of previous acts relative to the taking of any land, water, water sources, water rights and easements by said town for water purposes shall be applicable to any taking under this act. Existing rights not affected.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1907.

AN ACT TO AUTHORIZE THE TOWN OF READING TO MAKE AN ADDITIONAL WATER LOAN. Chap.381

Be it enacted, etc., as follows:

SECTION 1. The town of Reading, for the purposes mentioned in section six of chapter four hundred and five of the acts of the year eighteen hundred and eighty-nine, may issue bonds, notes or scrip, to be denominated on the face thereof, Reading Water Loan, Act of 1907, and to bear interest at a rate not exceeding four per cent per annum, to an amount not exceeding twenty-five thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the same purpose. Reading Water Loan, Act of 1907.

SECTION 2. At the time of authorizing said loan the town shall provide by vote for the payment thereof in annual payments of one thousand dollars each, beginning in the year nineteen hundred and thirteen; and when a vote to this effect has been passed the amount required thereby shall without further vote be assessed annually by the assessors of the town in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished. Payment of loan.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1907.

AN ACT RELATIVE TO THE CONSTRUCTION OF A MUNICIPAL BUILDING IN THE CITY OF MARLBOROUGH. Chap.382

Be it enacted, etc., as follows:

SECTION 1. The persons appointed as members of the "Police and fire station construction committee", pursuant to the provisions of an order adopted by the city Construction of a municipal building in the city of Marlborough.

council of the city of Marlborough, numbered on its files 6917, and approved on the twenty-eighth day of March, nineteen hundred and seven, are hereby constituted a commission, with authority to purchase land and to erect a municipal building thereon, and to complete and equip the same, and to do all things relative thereto in accordance with the provisions of said order.

Commission to remain in existence until objects are accomplished.

SECTION 2. The said commission shall remain in existence a sufficient time to accomplish the purposes of this act, and any vacancy therein shall be filled by appointment by the mayor of the city. The commission shall annually, and whenever required by the mayor or by the city council, present in writing a report of all its acts and proceedings, and of the condition and progress of the work. The members of the commission shall serve without compensation and shall not be interested financially, either directly or indirectly, in any contract or expenditure authorized by section one hereof.

Appropriation.

SECTION 3. The order adopted by said city council, numbered on its files 6924, and approved on the twenty-eighth day of March, nineteen hundred and seven, appropriating the sum of forty thousand dollars to meet the expenditure incurred in carrying out the provisions of said order numbered 6917, and directing the issue of negotiable coupon bonds for the purpose of raising said sum, is hereby ratified and confirmed, and the issue and sale of said securities to the amount and number, and in the manner and form set forth in said order numbered 6924, are hereby authorized.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1907.

Chap. 383 AN ACT TO PROHIBIT FALSE OR WILFULLY MISLEADING PRINTED REPRESENTATIONS AS TO MERCHANDISE OR COMMODITIES OFFERED FOR SALE.

Be it enacted, etc., as follows:

Misleading representation prohibited.

Whoever knowingly makes and publishes or knowingly causes to be made and published any false or wilfully misleading representation or advertisement in the form of a book, paper, prospectus, notice or other publication of or concerning any merchandise or commodity offered for sale by any person, co-partnership, association or corporation

shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two years, or by both such fine and imprisonment.

Approved May 6, 1907.

AN ACT TO INCREASE THE COMPENSATION OF THE PORTERS Chap.384
AT THE STATE HOUSE.

Be it enacted, etc., as follows:

SECTION 1. The porters at the state house shall each be paid an annual salary of seven hundred and eighty dollars, to be so allowed from the first day of January in the year nineteen hundred and seven. State house porters.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1907.

AN ACT TO PROVIDE FOR THE PRESERVATION OF THE OLD Chap.385
PROVINCIAL STATE HOUSE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The old provincial state house, situated at the head of State street in the city of Boston, shall be preserved as an historic and patriotic memorial, and no encroachment upon or alteration of said building, or use of the same for business, commercial or transit purposes shall be made except the use of the basement under the eastern end of the building and the space under the western end and beneath the basement floor for transit purposes, as provided by the Boston transit commission; and said commission is authorized and required to rebuild said basement floor, making the same fireproof, all in a manner approved by the governor of the Commonwealth and the mayor of Boston: *provided*, that no entrance or stairway to the tunnel or subway adjacent to said building shall be made on or adjacent to the Washington street front thereof, and no part of the walls of said old state house above the grade of the sidewalk shall be disturbed. Preservation of old provincial state house, etc.

SECTION 2. The Commonwealth of Massachusetts and the city of Boston, at their joint expense, under the direction of the governor of the Commonwealth and the mayor of the city, are hereby authorized and required to restore the said old state house as nearly as possible to its provincial condition, and to preserve and maintain it as an Proviso.
Expense of preservation.

historic and patriotic memorial, as provided in section one of this act.

Expenditure
by the Com-
monwealth.

Proviso.

SECTION 3. The sum of seventy-five hundred dollars may be expended from the treasury of the Commonwealth to carry out the provisions of this act: *provided*, that the city of Boston appropriates an equal sum for the same purpose.

Supreme
judicial court
to have
jurisdiction.

SECTION 4. The supreme judicial court shall have jurisdiction in equity upon the petition of the governor, the mayor of Boston, or of ten or more inhabitants of the Commonwealth to enjoin and restrain any violation of the provisions of this act.

SECTION 5. This act shall take effect upon its passage.

Approved May 6, 1907.

Chap. 386 AN ACT RELATIVE TO COMPENSATING THE COMMONWEALTH FOR CARING FOR PERSONS INFECTED WITH DISEASES DANGEROUS TO THE PUBLIC HEALTH.

Be it enacted, etc., as follows:

1902, 213, § 1,
amended.

Payment of
expenses of
cities and
towns for car-
ing for certain
persons, etc.

SECTION 1. Chapter two hundred and thirteen of the acts of the year nineteen hundred and two is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* Reasonable expenses incurred by the board of health of a city or town or by the Commonwealth in making the provision required by law for persons infected with smallpox or other disease dangerous to the public health shall be paid by such person or his parents if he or they be able to pay, otherwise by the city or town in which he has a legal settlement, upon the approval of the bill by the board of health of such city or town or by the state board of charity; and such settlements shall be determined by the overseers of the poor, and by the state board of charity in cases cared for by the Commonwealth. If the person has no settlement, such expense shall be paid by the Commonwealth, upon the approval of bills therefor by the state board of charity. In all cases of persons having settlements, a written notice sent within the time required in the case of aid given to paupers, shall be sent by the board of health, or by the officer or board having the powers of a board of health in the city or town where the person is sick, to the board of health, or to the officer or board having the powers of a board of health in the city or town in which such person

has a settlement, who shall forthwith transmit a copy thereof to the overseers of the poor of the place of settlement. In case the person has no settlement, such notice shall be given to the state board of health, in accordance with the provisions of section fifty-two of chapter seventy-five of the Revised Laws.

SECTION 2. Section two of said chapter two hundred and thirteen is hereby amended by inserting after the word "diphtheria", in the third line, the words:—tuberculosis, dog bite requiring anti-rabic treatment,—so as to read as follows:—*Section 2.* No person for whose care and maintenance a city or town or the Commonwealth has incurred expense in consequence of smallpox, scarlet fever, diphtheria, tuberculosis, dog bite requiring anti-rabic treatment, or other disease dangerous to the public health shall be deemed to be a pauper by reason of such expenditure.

1902, 213, § 2,
amended.

Certain persons
not to be
deemed
paupers.

SECTION 3. This act shall take effect upon its passage.

Approved May 7, 1907.

AN ACT RELATIVE TO THE LISTING AND REGISTRATION OF
VOTERS IN THE CITY OF BOSTON.

Chap. 387

Be it enacted, etc., as follows:

Section eighteen of chapter two hundred and ninety-one of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "four", in the seventh line, the words:—and by chapter three hundred and eighteen of the acts of the year nineteen hundred and five,—so as to read as follows:—*Section 18.* All the powers heretofore vested in and the duties heretofore imposed by law upon the board of police of the city of Boston, under the provisions of chapter two hundred and seventy-nine of the acts of the year nineteen hundred and three, as amended by chapter two hundred and forty-five of the acts of the year nineteen hundred and four, and by chapter three hundred and eighteen of the acts of the year nineteen hundred and five, relative to the listing and registration of voters in said city, shall be, and the same hereby are, vested in and imposed upon a listing board to be composed of the police commissioner of said city and one member of the Boston board of election commissioners, who shall annually be appointed by the mayor, without confirmation by the board of aldermen, for the term of one year and who shall belong to that one of the two leading politi-

1906, 291, § 18,
amended.

Powers and
duties, etc.

cal parties of which said police commissioner is not a member. Said powers and duties shall hereafter be exercised and performed by said board as herein constituted or by police officers subject to the jurisdiction of said police commissioner. In case of disagreement between the two members of said board, the chief justice of the municipal court of the city of Boston, or, in case of his disability, the senior justice of said court who is not disabled, shall for the purpose of settling such disagreement be a member of said board and shall preside and cast the deciding vote, in case of a tie. *Approved May 7, 1907.*

Chap.388 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO GRANT A PENSION TO JAMES H. DODGE.

Be it enacted, etc., as follows:

City of Boston
to grant a
pension to
James H.
Dodge.

SECTION 1. For the purpose of promoting the spirit of loyalty and patriotism, and in recognition of the sacrifice made both for the Commonwealth and for the United States, and as a testimonial for meritorious service such as the Commonwealth may rightly give and such as her sons may honorably accept and receive, and in consideration of faithful services rendered to the city of Boston, the said city is hereby authorized by vote of its city council approved in writing by the mayor, to place James H. Dodge, a veteran of the civil war and late city auditor of the city of Boston, upon the pension roll of the city at a pension not exceeding one hundred dollars per month.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1907.

Chap.389 AN ACT RELATIVE TO FRAUDULENT CONVERSION OF PROPERTY BY CAPTAINS OF VESSELS.

Be it enacted, etc., as follows:

Fraudulent
conversion of
property, etc.

A captain of a vessel who embezzles or fraudulently converts or appropriates money, goods or property, held or possessed by or delivered to him, which belongs wholly or in part to the crew of such vessel, the owners of the vessel, or to those who have furnished supplies to the vessel, shall be guilty of simple larceny, although he is a joint charterer or co-partner with the members of the crew or with the owners of the vessel, or with the person or persons who furnished the supplies. *Approved May 8, 1907.*

AN ACT RELATIVE TO PROCEEDINGS FOR DIVORCE.

Chap.390

Be it enacted, etc., as follows:

Any justice of the superior court may, if he deems it advisable, appoint an attorney to investigate and report to the court in relation to any suit for divorce or any suit to have a marriage declared void, and may direct such attorney, or any other attorney, to defend the suit. The attorney may be appointed either before or after a decree of divorce nisi has been granted, and may enter objections to such decree nisi becoming absolute in the same manner as the libellee. The compensation for his services shall be fixed by the court, and shall be paid by the county in which the suit is pending, together with any expenses approved by the court, upon certificate by a justice thereof to the county treasurer. The district police, local police and probation officers shall assist the attorney so appointed, if he requests their assistance. *Approved May 8, 1907.*

Investigation and report relative to suit for divorce, etc.

Compensation of attorney.

AN ACT TO AUTHORIZE THE BOARD OF RAILROAD COMMISSIONERS TO PERMIT THE CONNECTION OF CERTAIN SIDINGS WITH THE TRACKS OF THE BOSTON AND MAINE RAILROAD IN THE CITY OF EVERETT.

Chap.391

Be it enacted, etc., as follows:

SECTION 1. The board of railroad commissioners shall have authority, upon the petition of the owners of that parcel of land situated in the city of Everett, in the county of Middlesex, known as the New England Gas and Coke Company property, after due notice and a hearing, if they find it consistent with public safety and with the proper operation of the railroads hereinafter referred to, to require the construction of such crossing or cross-over upon, under or over the location of either or both of the railroad companies whose locations are adjacent to said property, in such manner as will permit the owners of said property to connect their sidings with the tracks of the Boston and Maine Railroad, and to prescribe the manner and limits of such construction; to determine by whom the work shall be done and who shall pay the expense thereof, or to apportion the expense thereof between the railroad companies and the said owners; to determine the manner and conditions in and under which said cross-

Connection of certain railroad sidings in the city of Everett.

Apportion-
ment by a jury.

ing or cross-over may be used and the compensation, if any, to be paid for such use. If either of the said railroad companies or the said owners be dissatisfied or aggrieved by the finding of the railroad commissioners in the apportionment of the expenses of said crossing or cross-over, or in determining the compensation to be paid for the use thereof, they may, at any time within thirty days after such finding, apply by petition to the superior court to have the same apportioned or determined by a jury in the manner provided in section one hundred and nine of chapter forty-eight of the Revised Laws, so far as the provisions thereof may be applicable.

Authority of
railroad com-
missioners.

SECTION 2. The railroad commissioners shall have authority from time to time upon petition of any party in interest, after due notice and a hearing, to revise, amend or revoke any finding or order made by them under authority of this act.

Authority of
supreme
judicial court.

SECTION 3. The supreme judicial court shall have authority on the petition of any party in interest to enforce compliance with any order made by the board of railroad commissioners in the premises. *Approved May 8, 1907.*

Chap. 392 AN ACT TO INCREASE THE PENALTY IMPOSED ON A RAILROAD OR STREET RAILWAY CORPORATION FOR LOSS OF LIFE THROUGH ITS NEGLIGENCE.

Be it enacted, etc., as follows:

1906, 463, § 63,
Part I,
amended.

SECTION 1. Section sixty-three, Part I, of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by striking out the word "gross", in the third line, by striking out the words "five thousand", in the eighth and twenty-first lines, and inserting in place thereof in each case the words:—ten thousand,—and by striking out the words "in the same manner and to the same extent", in the thirty-first and thirty-second lines, and inserting in place thereof the words:—in the sum of not less than five hundred nor more than five thousand dollars, in the same manner,—so as to read as follows:—*Section 63.* If a corporation which operates a railroad or a street railway, by reason of its negligence or by reason of the unfitness or negligence of its agents or servants while engaged in its business, causes the death of a passenger, or of a person who is in the exercise of due care and who is not a passenger or in

Penalty on
corporation for
loss of life
through negli-
gence, etc.

the employ of such corporation, it shall be punished by a fine of not less than five hundred nor more than ten thousand dollars which shall be recovered by an indictment prosecuted within one year after the time of the injury which caused the death, and shall be paid to the executor or administrator, one half thereof to the use of the widow and one half to the use of the children of the deceased; or, if there are no children, the whole to the use of the widow; or, if there is no widow, the whole to the use of the next of kin; but a corporation which operates a railroad shall not be so liable for the death of a person while walking or being upon its railroad contrary to law or to the reasonable rules and regulations of the corporation. Such corporation shall also be liable in damages in the sum of not less than five hundred nor more than ten thousand dollars, which shall be assessed with reference to the degree of culpability of the corporation or of its servants or agents, and shall be recovered in an action of tort, begun within one year after the injury which caused the death, by the executor or administrator of the deceased for the use of the persons hereinbefore specified in the case of an indictment. If an employee of a railroad corporation, being in the exercise of due care, is killed under such circumstances as would have entitled him to maintain an action for damages against such corporation if death had not resulted, the corporation shall be liable in the sum of not less than five hundred nor more than five thousand dollars, in the same manner as it would have been if the deceased had not been an employee. But no executor or administrator shall, for the same cause, avail himself of more than one of the remedies given by the provisions of this section.

SECTION 2. This act shall not affect any suit or proceeding now pending, or any cause of action or ground of indictment existing prior to the passage of this act.

Not to affect certain suits, etc.

Approved May 8, 1907.

AN ACT RELATIVE TO THE DISSOLUTION OF ATTACHMENTS.

Chap. 393

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and seventeen of chapter one hundred and sixty-seven of the Revised Laws is hereby amended by inserting after the word "sureties", in the fourth line, the words: — and, except in case the

R. L. 167,
§ 117,
amended.

Hearing before
approval of
bond.

proposed surety is a surety company qualified to do business in this Commonwealth, therein setting forth the property with which each of said sureties proposes to qualify, and in case said property, as so set forth, be realty, then giving the name of the city or town in which the same is located, — and by inserting after the word “hearing”, in the fourth line, the words: — containing a copy of the application to the magistrate, — so as to read as follows: —

Section 117. Before such bond is approved, the defendant, or a person in his behalf, shall make application in writing to the magistrate, specifying therein the names and residences of the proposed sureties and, except in case the proposed surety is a surety company qualified to do business in this Commonwealth, therein setting forth the property with which each of said sureties proposes to qualify, and in case said property, as so set forth, be realty, then giving the name of the city or town in which the same is located. Notice of the time and place of the hearing, containing a copy of the application to the magistrate, shall be given to the plaintiff or his attorney as provided in sections twenty-seven to thirty, inclusive, of chapter one hundred and seventy-five; but the plaintiff or his attorney may in writing waive such notice or may approve the bond at any time.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1907.

Chap.394 AN ACT RELATIVE TO THE PENALTY FOR GIVING FALSE WEIGHT OR MEASURE.

Be it enacted, etc., as follows:

Penalty for
giving false
weight or
measure.

SECTION 1. Whoever, himself or by his servant or agent or as the servant or agent of another person, is guilty of giving false or insufficient weight or measure shall for a first offence be punished by a fine of not more than fifty dollars, for a second offence by a fine of not more than two hundred dollars, and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than thirty nor more than ninety days.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved May 8, 1907.*

AN ACT RELATIVE TO THE TAXATION OF BUSINESS CORPORATIONS. *Chap. 395*

Be it enacted, etc., as follows:

SECTION 1. The tax commissioner, in determining for the purposes of taxation the value of the corporate franchise of any corporation which is required to make returns according to the provisions of section forty-five of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three, shall not take into consideration any debts of such corporation, unless the returns required from it contain a statement duly signed and sworn to, as provided for in said section, setting forth that no part of such debts was incurred for the purpose of reducing the amount of taxes to be paid by it.

Taxation of
business cor-
porations.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1907.

AN ACT RELATIVE TO THE ORGANIZATION FEES OF BUSINESS CORPORATIONS. *Chap. 396*

Be it enacted, etc., as follows:

SECTION 1. Section eighty-eight of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three is hereby amended by striking out the words "one fortieth", in the fourth line, and inserting in place thereof the words:— one twentieth, — and by striking out the word "ten", in the seventh line, and inserting in place thereof the word:— twenty-five, — so as to read as follows:— *Section 88.* The fee for filing and recording the articles of organization required by section eleven, including the issuing by the secretary of the Commonwealth of the certificate of incorporation, shall be one twentieth of one per cent of the total amount of the authorized capital stock as fixed by the articles of organization; but not in any case less than twenty-five dollars.

1903, 437, § 88,
amended.

SECTION 2. Section eighty-nine of said chapter four hundred and thirty-seven is hereby amended by striking out the words "one fortieth", in the third line, and inserting in place thereof the words:— one twentieth, — so as to read as follows:— *Section 89.* The fee for filing and recording the certificate required by section forty-two

Fee for filing,
etc., articles of
organization.

1903, 437, § 89,
amended.

Fee for filing,
etc., certificate
of increase of
capital.

providing for an increase of capital stock shall be one twentieth of one per cent of the amount by which the capital is increased.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1907.

Chap.397 AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ELECTRIC LIGHT BOARD IN THE CITY OF CHICOPEE.

Be it enacted, etc., as follows:

Electric light board, city of Chicopee, appointment, etc.

SECTION 1. The mayor of the city of Chicopee shall appoint, subject to the approval of the board of aldermen, an electric light board consisting of three citizens of the city, who shall not all be members of the same political party and who shall have all the powers which municipal electric light boards have in towns.

Appointments to be made annually.

SECTION 2. Such appointments shall be made annually in the month of January unless a different mode of appointment is provided for in the charter of the city, and the term of office of the members of said board shall be three years: *provided, however*, that the members first appointed may be appointed at any time after the passage of this act and shall hold office for one year, two years and three years, respectively, as designated by the mayor, from the first day of January next succeeding the time of their appointment. Members of the said board may be removed by the mayor for cause, and vacancies shall be filled by appointment for the residue of the unexpired term, in the same manner in which the original appointments are made. The members of the board shall receive such compensation as the board of aldermen may fix.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1907.

Chap.398 AN ACT TO AUTHORIZE THE CITY OF NORTH ADAMS TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

North Adams Water Loan, Act of 1907.

SECTION 1. The city of North Adams is hereby authorized to issue, from time to time, during the years nineteen hundred and seven and nineteen hundred and eight, in addition to the amounts now authorized by law, bonds, notes or scrip, to be denominated on the face thereof, North Adams Water Loan, Act of 1907, to an

amount not exceeding one hundred thousand dollars, payable at periods of not more than thirty years from the dates of issue respectively. The proceeds of such bonds, notes or scrip shall be used for the purpose of acquiring lands, constructing reservoirs, and generally for the purpose of supplying the inhabitants with water.

SECTION 2. The city instead of establishing a sinking fund may provide for the payment of said bonds, notes or scrip, in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when action to that effect has been taken by the city the sum required shall annually be assessed, in the same manner in which other taxes are assessed, until the debt is extinguished.

Annual payments.

SECTION 3. Bonds, notes or scrip issued under this act shall not be reckoned in determining the statutory limit of indebtedness of the city.

Bonds, etc., not to be reckoned, etc.

SECTION 4. This act shall take effect upon its passage.

Approved May 9, 1907.

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN PHARMACY.

Chap.399

Be it enacted, etc., as follows:

SECTION 1. The annual salary of the secretary of the board of registration in pharmacy shall be one thousand dollars, and that of the other members of the board shall be five hundred dollars each, except that the chairman shall receive six hundred dollars.

Board of registration in pharmacy, salaries.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1907.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF STOW.

Chap.400

Be it enacted, etc., as follows:

SECTION 1. The election of officers, and other proceedings by the town of Stow at its annual town meeting in March, nineteen hundred and seven, shall not be invalid by reason of the fact that the polls were not kept open for the full time required by law, or by reason of any other informality in the conduct of the said meeting.

Proceedings confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1907.

Chap.401 AN ACT TO ESTABLISH THE SALARY OF THE GENERAL AGENT OF THE DAIRY BUREAU OF THE STATE BOARD OF AGRICULTURE.

Be it enacted, etc., as follows:

Salary of
general agent
of the dairy
bureau, etc.

SECTION 1. The salary of the general agent of the dairy bureau of the state board of agriculture shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year nineteen hundred and seven.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1907.

Chap.402 AN ACT RELATIVE TO STREET RAILWAY COMPANIES ACTING AS COMMON CARRIERS.

Be it enacted, etc., as follows:

Street railway
companies may
become com-
mon carriers in
certain cases.

SECTION 1. A street railway company may become a common carrier of newspapers, baggage, express matter and freight in such cases, upon such parts of its railway, and to such extent, in any city or town, as, after public notice and a hearing, upon the petition of any interested party, the board of aldermen or the selectmen in such city or town and the board of railroad commissioners shall by order approve. If the board of aldermen or selectmen to whom such a petition is presented act adversely thereon or fail to act within sixty days from the date of the filing of such petition the petitioner or any interested party may file such petition with the board of railroad commissioners, who shall after public notice and a hearing determine whether public necessity and convenience require the granting of such petition and shall make an order dismissing such petition or requiring any street railway company named in such petition to act as such common carrier in such cases, upon such parts of its railway and to such extent, and under such regulations and restrictions, as in the opinion of said railroad commissioners public necessity and convenience require. Any street railway company acting under authority hereof shall be subject to such regulations and restrictions as may from time to time be made by the local authorities aforesaid, with the approval of the railroad commissioners, and shall also be subject to the provisions of all laws now or hereafter in force relat-

Subject to cer-
tain restric-
tions.

ing to common carriers so far as they shall be consistent herewith and with said regulations and restrictions. The authority conferred upon any street railway company by virtue of the provisions of this act may at any time be revoked or terminated in any city or town or upon any part of its railway, by the board of aldermen or selectmen with the approval of the board of railroad commissioners.

SECTION 2. Section forty-one of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby repealed.

Revocation.

1906, 463, § 41, Part III, repealed.

Approved May 10, 1907.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO WIDEN AND IMPROVE CHELSEA STREET IN THE CHARLESTOWN DISTRICT. Chap.403

Be it enacted, etc., as follows:

SECTION 1. The board of street commissioners of the city of Boston is hereby directed, in case this act is accepted as hereinafter provided, to widen and improve Chelsea street in the Charlestown district to a uniform width of sixty feet from City square to Bainbridge street, and may expend therefor a sum not exceeding six hundred thousand dollars, to be borrowed by said city within its debt limit, on condition only that the corporations having a location for tracks in said street shall first bind themselves in writing to defray in the aggregate not less than one third of the whole expense of said widening and improvement.

City of Boston may widen, etc., Chelsea street.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Boston, and the approval of the mayor in writing.

When to take effect.

Approved May 10, 1907.

AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION JOINTLY WITH THE CHARLES RIVER BASIN COMMISSION TO GRANT LOCATIONS FOR BOAT HOUSES. Chap.404

Be it enacted, etc., as follows:

SECTION 1. The Charles river basin commission shall make provision in the construction and laying out of the park or parkway provided for by chapter four hundred and two of the acts of the year nineteen hundred and six, for the location of boat houses, landings thereon and floats

Locations of boat houses on Charles river.

Locations of
boat houses on
Charles river.

in connection therewith. At any time after the passage of this act, upon the petition of any duly organized boat club for a location for a boat house, landing or floats in connection therewith, said commission and the metropolitan park commission by a majority of the members of both commissions acting jointly as one board for the purpose, and, after the completion by said Charles river basin commission of the work imposed upon it by law, the metropolitan park commission alone, may grant to such boat club a suitable location, by lease or otherwise, with the right to erect a boat house thereon and to project landings and floats on the waters of the Charles river contiguous thereto, upon such terms, conditions, restrictions and agreements and for such period of years, not exceeding twenty-five, as said commissions acting jointly, or, after the completion of said work, as the metropolitan park commission may deem expedient. In passing upon such petition consideration shall be given to the fact that at the time of the passage of this act such boat club owned or occupied a boat house on the southerly or easterly side of the Charles river between Charlesgate west and the new dam, the point on the river bank at which such boat house was situated and the length of time during which it had been owned or maintained there.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1907.

Chap. 405 AN ACT RELATIVE TO THE ADOPTION OF CHILDREN AND THE CHANGE OF NAMES.

Be it enacted, etc., as follows:

R. L. 154, § 3,
amended.

SECTION 1. Section three of chapter one hundred and fifty-four of the Revised Laws is hereby amended by adding at the end thereof the words:— and if the child is supported by a city or town, notice shall also be given to the overseers of the poor thereof, and in the city of Boston said notice shall be given both to the overseers of the poor and to the trustees for children, — so as to read as follows:— *Section 3.* The consent of the persons named in the preceding section, other than the child or her husband, if any, shall not be required if the person to be adopted is of full age, nor shall the consent of any such person other than the child be required if such person is adjudged by

Consent not
required in
certain cases
of change of
names, etc.

the court hearing the petition to be hopelessly insane, or is imprisoned in the state prison or in a house of correction in this Commonwealth under sentence for a term of which more than three years remain unexpired at the date of the petition; or if he has wilfully deserted and neglected to provide proper care and maintenance for such child for two years last preceding the date of the petition; or if he has suffered such child to be supported for more than two years continuously, prior to the petition, by an incorporated charitable institution or as a pauper by a city or town or by the Commonwealth; or if he has been sentenced to imprisonment for drunkenness upon a third conviction within one year and neglects to provide proper care and maintenance for such child; or if such person has been convicted of being a common night walker or a lewd, wanton and lascivious person, and neglects to provide proper care and maintenance for such child. A giving up in writing of a child, for the purpose of adoption, to an incorporated charitable institution shall operate as a consent to any adoption subsequently approved by such institution. Notice of the petition shall be given to the state board of charity, if the child is supported as a pauper by a city or town or by the Commonwealth, and if the child is supported by a city or town, notice shall also be given to the overseers of the poor thereof, and in the city of Boston said notice shall be given both to the overseers of the poor and to the trustees for children.

Consent not required in certain cases of change of names, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1907.

AN ACT TO AUTHORIZE THE TOWN OF EDGARTOWN TO ACQUIRE
LAND FOR A BOAT LANDING.

Chap. 406

Be it enacted, etc., as follows:

SECTION 1. The town of Edgartown is hereby authorized to take or to acquire by purchase or gift, a piece of land in the said town suitable for a boat landing, and situated on the shore of the harbor between the steamboat wharf, so-called, and the land of Frank E. Alden, together with any rights or easements that may be necessary or convenient for the said purpose. For this purpose the town may expend a sum not exceeding eight hundred dollars; and if the town acquires land or easements by taking

Town of Edgartown may acquire land for a boat landing.

the same a sufficient description thereof, signed by the selectmen, shall be filed in the registry of deeds for the county of Dukes County, and upon such filing the title to the same shall vest in the town. In case of a taking the damages shall be determined in the manner provided by law for the recovery of damages for land taken for laying out highways.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1907.

Chap.407 AN ACT TO AUTHORIZE THE SALE AND PURCHASE BY THE TRUSTEES OF THE STATE HOSPITAL AND STATE FARM OF CERTAIN LANDS IN THE TOWN OF BRIDGEWATER.

Be it enacted, etc., as follows:

Sale and purchase of certain lands in Bridgewater.

SECTION 1. The trustees of the state hospital and state farm, or a majority thereof, are hereby authorized to sell and convey a parcel of land on Titicut street in the town of Bridgewater, now owned by the Commonwealth and containing about eighty-two and eight hundredths square rods, and in consideration of such sale and conveyance to acquire for the Commonwealth and in its name a parcel of land on Conant street in said town containing about seventy and seven tenths square rods.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1907.

Chap.408 AN ACT RELATIVE TO RECORDS OF CONVICTIONS UNDER THE LAWS RELATIVE TO THE USE AND OPERATION OF AUTOMOBILES AND MOTOR CYCLES.

Be it enacted, etc., as follows:

1905, 311, § 6, etc., amended.

SECTION 1. Section six of chapter three hundred and eleven of the acts of the year nineteen hundred and five, as amended by section five of chapter four hundred and twelve of the acts of the year nineteen hundred and six, is hereby further amended by striking out the words "a certified copy", in the sixth line, and inserting in place thereof the words: — an abstract, — and by inserting after the word "commission", in the seventh line, the words: — Said abstracts shall be made upon forms prepared by said commission and shall include all necessary information as to the parties to the case, the nature of the offence, the date of the hearing, the plea, the judgment, and the

result; and every such abstract shall be certified by the clerk of the court or by the trial justice as a true abstract of the record of the court, — so as to read as follows: —

Section 6. A full record shall be kept by every court or trial justice in this Commonwealth of every case in which a person is charged with a violation of any of the provisions of said chapter four hundred and seventy-three or of any other act relative to automobiles or motor cycles, and an abstract of such record shall be sent forthwith by the court or trial justice to the Massachusetts highway commission. Said abstracts shall be made upon forms prepared by said commission and shall include all necessary information as to the parties to the case, the nature of the offence, the date of the hearing, the plea, the judgment, and the result; and every such abstract shall be certified by the clerk of the court or by the trial justice as a true abstract of the record of the court. Said courts and trial justices shall furnish to the Massachusetts highway commission the details of any particularly flagrant cases which may be heard before them, and they may make such recommendations to said commission as to the suspension or revocation of the license or certificate of registration of the persons defendant in such cases as they may deem necessary. Said commission shall keep such records in its main office, and they shall be open to the inspection of any person during reasonable business hours.

Record of cases of conviction to be kept, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1907.

AN ACT TO AUTHORIZE THE TRUSTEES OF BRIDGEWATER ACADEMY TO CONVEY THE PROPERTY OF SAID CORPORATION TO THE TOWN OF BRIDGEWATER.

Chap. 409

Be it enacted, etc., as follows:

SECTION 1. The charitable corporation located in Bridgewater and incorporated under the name of The Trustees of Bridgewater Academy, by an act approved February twenty-sixth, seventeen hundred and ninety-nine, may convey to the town of Bridgewater all the real estate and other property now held by said corporation, upon the conditions hereinafter set forth, when authorized to make such conveyance by a three quarters vote of the members of said corporation present and voting at a meeting duly

Trustees of Bridgewater Academy may convey certain property to the town of Bridgewater.

called for the purpose, and when the said town has voted to accept such conveyance by a vote of the majority of the voters of said town present and voting thereon at any town meeting duly called and held.

Property to be held upon trust, etc.

SECTION 2. The town of Bridgewater shall hold all property, real and personal, conveyed to it under the authority of this act, upon trust, to apply the same to the maintenance of the schools of the town in such manner as the town may from time to time determine; and for this purpose the town may from time to time in its discretion sell and convey said property or any part thereof, and receive and invest and reinvest the proceeds thereof.

Powers to be exercised on decree of the superior court.

SECTION 3. The powers hereby granted shall be exercised only in conformity with a decree of the superior court sitting in equity for the county of Plymouth, to be entered within one year after the passage of this act.

When to take effect.

SECTION 4. This act shall take effect upon its passage so far as to allow the passing of the votes referred to in section one and the application for a decree of the superior court referred to in section three.

Approved May 14, 1907.

Chap. 410 AN ACT FURTHER TO PROHIBIT EXPECTORATION IN CERTAIN PUBLIC PLACES AND CONVEYANCES.

Be it enacted, etc., as follows:

1906, 165, § 1, amended.

Expectoration in certain public places prohibited.

SECTION 1. Chapter one hundred and sixty-five of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* No person shall expectorate or spit upon any public sidewalk, or upon any place used exclusively or principally by pedestrians, or, except in receptacles provided for the purpose, upon the floor in any city or town hall, in any court house or court room, in any public library or museum, in any church or theatre, in any lecture or music hall, in any mill or factory, in any hall of any tenement building occupied by five or more families, in any school building, in any ferry boat or steamboat, in any railroad car, except a smoking car, in any elevated railroad car, except a smoking car, in any street railway car, in any railroad or railway station or waiting room or on any sidewalk or platform connected therewith.

SECTION 2. Section two of said chapter one hundred and sixty-five is hereby amended by adding at the end thereof the words:—Any person detected in the act of violating any provision of this act may be arrested by any officer authorized to serve criminal process in the place where the offence is committed and kept in custody until he can be taken before a court which has jurisdiction of such offence; and if his name is unknown to the officer who makes the arrest, he may be arrested without a warrant, — so as to read as follows:—*Section 2.* Whoever violates any provision of this act shall be punished by a fine of not more than twenty dollars. Any person detected in the act of violating any provision of this act may be arrested by any officer authorized to serve criminal process in the place where the offence is committed and kept in custody until he can be taken before a court which has jurisdiction of such offence; and if his name is unknown to the officer who makes the arrest, he may be arrested without a warrant.

1906, 165, § 2.
amended.

Penalty.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1907.

AN ACT TO PROVIDE FOR THE CASES OF CHILDREN IN THE BOSTON JUVENILE COURT WHO BECOME SEVENTEEN YEARS OF AGE PENDING ADJUDICATION AND DURING CONTINUANCES AND PROBATION.

Chap. 411

Be it enacted, etc., as follows:

SECTION 1. The Boston juvenile court shall have the same powers and authority over all children who become seventeen years of age pending adjudication on their cases, or during continuances or probation, or after their cases have been placed on file, which it would have had prior to their becoming seventeen years of age: *provided*, that nothing herein contained shall be construed to authorize the commitment of any child over seventeen years of age to the state industrial school for girls at Lancaster, and that nothing herein contained shall give said court any power or authority over said children after they become eighteen years of age.

Powers of
Boston juvenile court in
certain cases.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1907.

Chap.412 AN ACT TO AUTHORIZE THE TOWN OF PEABODY TO BORROW
AN ADDITIONAL SUM FOR SEWER CONSTRUCTION.

Be it enacted, etc., as follows:

Town of
Peabody may
borrow money
for sewer
construction.

SECTION 1. The vote passed by the town of Peabody at an adjourned annual town meeting held on the sixteenth day of April in the year nineteen hundred and seven appropriating the sum of seventy-five thousand dollars for the purpose of continuing the construction of a system of main drains and common sewers for the town, in addition to the sum appropriated under authority of chapter two hundred and seventy of the acts of the year nineteen hundred and six, is hereby ratified and confirmed, and the town is hereby authorized to issue therefor bonds, notes or scrip, bearing interest at a rate not exceeding four per cent per annum, payable semi-annually, to an amount not exceeding seventy-five thousand dollars. Three thousand dollars of the said securities shall be paid each year, in accordance with the said vote and for the purposes therein specified. Such bonds, notes or scrip shall not be reckoned in determining the statutory limit of indebtedness of the town.

Annual
payments on
loan.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1907.

Chap.413 AN ACT RELATIVE TO THE INSPECTION OF MANUFACTURING,
MERCANTILE AND MECHANICAL ESTABLISHMENTS.

Be it enacted, etc., as follows:

R. L. 108, § 8,
amended.

SECTION 1. Section eight of chapter one hundred and eight of the Revised Laws is hereby amended by inserting before the word "ventilation", in the eighth line, the words: — lighting and the, — by inserting after the word "workshops", in the same line, the words: — the keeping of them clean, — and by inserting after the word "provisions", in the thirteenth line, the words: — the lighting, — so as to read as follows: — *Section 8.* The members of the inspection department of the district police shall, except as otherwise provided in chapters one hundred and four, one hundred and five and one hundred and six, enforce the provisions thereof and all other provisions of law relative to the employment of women and minors in manufacturing, mechanical and mercantile establishments, the employment of children, young persons or women in

Inspectors,
powers and
duties, etc.

factories or workshops, the lighting and the ventilation of factories or workshops, the keeping of them clean, and the securing of proper sanitary provisions therein, and the making of clothing in unsanitary conditions. For such purposes, said inspectors may enter all buildings and parts thereof which are subject to the provisions of said chapters and examine the methods of protection from accident, the means of escape from fire, the sanitary provisions, the lighting and the means of ventilation, and may make investigations as to the employment of children, young persons and women.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1907.

AN ACT TO PROHIBIT BUCKETING AND BUCKET-SHOPPING AND TO ABOLISH BUCKET SHOPS. *Chap. 414*

Be it enacted, etc., as follows:

SECTION 1. The following words and phrases used in this act shall, unless a different meaning is plainly required by the context, have the following meanings: —

Certain words and phrases defined.

“Person” shall mean an individual, partnership, corporation or association, whether acting in his or their own right or as the officer, agent, servant, correspondent or representative of another.

“Contract” shall mean any agreement, trade or transaction.

“Securities” shall mean all evidences of debt or property and options for the purchase and sale thereof, shares in any corporation or association, bonds, coupons, scrip, rights, choses in action and other evidences of debt or property and options for the purchase or sale thereof.

“Commodities” shall mean anything movable that is bought and sold.

“Bucket shop” shall mean any room, office, store, building or other place where any contract prohibited by this act is made, or offered to be made.

“Keeper” shall mean any person owning, keeping, managing, operating or promoting a bucket shop, or assisting to keep, manage, operate or promote a bucket shop.

“Bucketing” or “Bucket-shopping” shall mean: —

(a) The making of, or offering to make any contract respecting the purchase or sale, either upon credit or upon margin, of any securities or commodities, wherein both

parties thereto intend, or such keeper intends, that such contract shall be, or may be, terminated, closed or settled according to, or upon the basis of, the public market quotations of prices made on any board of trade or exchange upon which said securities or commodities are dealt in, and without a bona fide purchase or sale of the same; or

(b) The making of, or offering to make any contract respecting the purchase or sale, either upon credit or upon margin, of any securities or commodities, wherein both parties intend, or such keeper intends, that such contract shall be, or may be, deemed terminated, closed or settled, when such public market quotations of prices for the securities or commodities named in such contract shall reach a certain figure without a bona fide purchase or sale of the same; or

(c) The making of, or offering to make any contract respecting the purchase or sale, either upon credit or upon margin, of any securities or commodities, wherein both parties do not intend, or such keeper does not intend, the actual or bona fide receipt or delivery of such securities or commodities, but do intend, or such keeper does intend, a settlement of such contract based upon the differences in such public market quotations of prices at which said securities or commodities are, or are asserted to be, bought and sold.

Penalty for
keeping a
bucket shop.

SECTION 2. Any person who makes, or offers to make any contract defined in the preceding section, or who is the keeper of any bucket shop, shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment for not more than one year. Any person who shall be convicted of a second offence shall be punished by imprisonment for not more than five years. The continuing of the keeping of a bucket shop, by any person, after the first conviction therefor, shall be deemed a second offence under this act.

The supreme
judicial court
to have juris-
diction in cases
of a second
offence.

If a domestic corporation shall be convicted of a second offence, the supreme judicial court shall have jurisdiction, upon an information in equity in the name of the attorney-general, at the relation of the commissioner of corporations, to dissolve the corporation; and if a foreign corporation shall be convicted of a second offence, the supreme judicial court shall have jurisdiction, in the same manner, to restrain the corporation from doing business in this Commonwealth.

SECTION 3. Any person who shall communicate, receive, exhibit or display in any manner any statement of quotations of prices of any securities or commodities with an intent to make, or offer to make, or to aid in making, or offering to make, any contract prohibited by this act, upon conviction thereof shall be subject to the penalties provided in the preceding section.

Certain persons subject to penalties prescribed, etc.

SECTION 4. Every person shall furnish, upon demand, to any customer or principal for whom such person has executed any order for the actual purchase or sale of any securities or commodities, either for immediate or future delivery, a written statement containing the names of the persons from whom such property was bought, or to whom it has been sold, as the fact may be, the time when, place where and the price at which the same was either bought or sold; and if such person shall refuse or neglect to furnish such statement within twenty-four hours after such demand, such refusal or neglect shall be prima facie evidence that such purchase or sale was bucketing or bucket-shopping within the terms of this act.

Written statement to be furnished in certain cases.

Approved May 15, 1907.

AN ACT TO INCORPORATE THE CHATTEL LOAN COMPANY.

Chap. 415

Be it enacted, etc., as follows:

SECTION 1. John Humphrey, Joshua F. Lewis, David L. Bolger, Daniel Dinsmore, Edwin Sweetser, George H. Faxon and William A. Finney, their associates and successors, are hereby made a corporation by the name of the Chattel Loan Company, to be located in Boston, for the purpose of loaning money upon pledge or mortgage of goods and chattels or of safe securities of any kind; and all the powers and privileges necessary for the execution of these purposes are hereby granted, and said corporation shall also have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and nine of the Revised Laws and in all general laws now or hereafter in force relating to such corporations. Said corporation shall begin to do business on or before the first day of July in the year nineteen hundred and eight.

The Chattel Loan Company incorporated.

SECTION 2. The capital stock of said corporation shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, and to be paid for at such times and

Capital stock.

Proviso.

in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by said corporation until said amount is subscribed for and actually paid in; and no certificate of shares shall be issued until the par value of such shares shall have actually been paid in in cash. Said corporation shall increase its capital stock to the amount of seventy-five thousand dollars on or before the first day of July in the year nineteen hundred and nine, and may further increase its capital stock from time to time until the same amounts to two hundred and fifty thousand dollars.

Increase of capital stock.

May borrow money on notes.

SECTION 3. Said corporation is hereby authorized to borrow money on its own notes, not exceeding the amount of its capital paid in and for periods not exceeding one year.

Directors.

SECTION 4. The government of said corporation shall be vested in a board of directors, chosen as the by-laws may prescribe, conformably to law: *provided, however*, that one director shall be appointed by the governor of the Commonwealth and one shall be appointed by the mayor of the city of Boston; and the board thus constituted shall elect one of their number president, and such other officers as may be deemed necessary. The compensation of the directors appointed by the governor and mayor for their services and attendance at the meetings shall be paid by said corporation.

Proviso.

Loans, etc.

SECTION 5. When said corporation has disposable funds it shall loan on all goods and chattels offered, embraced within its rules and regulations, in the order in which they are offered, with the exception that it may always discriminate in favor of small loans to the indigent.

Loans to be for a fixed time, etc.

SECTION 6. All loans shall be for a time fixed and for not more than one year, and the mortgagor or pledgor shall have a right to redeem his property mortgaged or pledged, at any time before it is sold, in pursuance of the contract between the parties, or before the right of redemption is foreclosed, on payment of the loan and rate of compensation to the time of the offer to redeem. No charges shall be made for a preliminary examination when a loan is not made, nor for the examination of property offered at the office of the company for pledge.

Regulations concerning loans, etc.

SECTION 7. The corporation shall give to each pledgor a card inscribed with the name of the corporation and of

the article or articles pledged, the name of the pledgor, the amount of the loan, the rate of compensation, the date when the loan is made, the date when it will be payable, the page of the book where it is recorded, and a copy of sections eight and nine of this act.

SECTION 8. Property pledged to the corporation shall be held one year, unless sooner redeemed, and, if not redeemed within one year after the date of the loan, shall be sold at public auction, and the net surplus after paying the loan, charges and expenses shall be held for one year for the owner. All auction sales shall be advertised for at least one week in two daily newspapers published in the city of Boston. In case a savings bank deposit book pledged to the company shall not be redeemed as above provided, it shall not be necessary for the association to sell the same at public auction, but it may convert the same, or so much thereof as may be necessary to pay the debt, in such mode and at such time as in the judgment of the directors will best promote the interest of all parties, and the corporation shall hold the net surplus for one year for the owner.

Property pledged to be held one year, etc.

SECTION 9. Said corporation shall in no case charge interest at a rate exceeding one and one half per cent per month.

Rate of interest.

SECTION 10. The bank commissioner shall have access to the vaults, books and papers of the corporation, and it shall be his duty to inspect, examine and inquire into its affairs and to take proceedings in regard to them, in the same manner and to the same extent as if said corporation were a savings bank, subject to all general laws now or hereafter in force relating to such institutions in this regard. The returns required to be made to the bank commissioner shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind, together with such other information as may be called for by said commissioner, in accordance with a blank form to be furnished by him; and these returns shall be printed at the expense of said corporation in a newspaper of general circulation published in the city of Boston, at such times and in such manner as may be directed by said commissioner, and also in the annual report of the commissioner. The said commissioner may cause

Bank commissioner to have access to vaults, etc.

Returns, etc.

Examinations.

any examination of the affairs of the said corporation to be made by an expert, under his direction, but at the expense of the corporation.

SECTION 11. This act shall take effect upon its passage.

Approved May 16, 1907.

Chap.416 AN ACT RELATIVE TO THE HEIGHT OF BUILDINGS ON RUTHERFORD AVENUE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Height of
buildings on
Rutherford
avenue in
Boston.

SECTION 1. The width of Rutherford avenue in the Charlestown district of the city of Boston, between Chapman street and the Mystic river tracks of the Boston and Maine Railroad crossing the northerly part of said avenue, shall be considered as eighty feet in respect to the height of buildings that may be erected on the southwesterly and westerly side of said avenue, between the points mentioned, so as to permit the erection of buildings to the height of one hundred feet, as provided for buildings erected on streets of the width aforesaid in district B by the commission appointed on height of buildings in the city of Boston, under chapter three hundred and eighty-three of the acts of the year nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1907.

Chap.417 AN ACT RELATIVE TO UNCLAIMED DEPOSITS WITH TRUST COMPANIES.

Be it enacted, etc., as follows:

R. L. 116, § 16,
amended.

SECTION 1. Section sixteen of chapter one hundred and sixteen of the Revised Laws is hereby amended by inserting after the word "prescribe", in the seventh line, the words:— When money so deposited has remained unclaimed for more than ten years, the court may upon motion of the attorney-general order and decree that it shall be paid over to the treasurer and receiver general to be held by him in accordance with the terms of said order or decree, and upon the entry of such order or decree the corporation shall pay over money so deposited and specified in the order to the treasurer and receiver general, to be held by him as aforesaid; and in case any person shall establish a lawful right thereto the said treasurer shall repay the same to such person, with interest at the rate of

three per cent per annum from the time when it was paid to the treasurer and receiver general to the time when it is paid over by him to such person, — so as to read as follows: — *Section 16.* A court of law or equity, or a court of probate and insolvency of this Commonwealth, may direct that money or property under its control, or which may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of an order or judgment, be deposited with such corporation, upon such terms and subject to such instructions as the court may prescribe. When money so deposited has remained unclaimed for more than ten years, the court may upon motion of the attorney-general order and decree that it shall be paid over to the treasurer and receiver general to be held by him in accordance with the terms of said order or decree, and upon the entry of such order or decree the corporation shall pay over money so deposited and specified in the order to the treasurer and receiver general, to be held by him as aforesaid; and in case any person shall establish a lawful right thereto the said treasurer shall repay the same to such person, with interest at the rate of three per cent per annum from the time when it was paid to the treasurer and receiver general to the time when it is paid over by him to such person. Such corporation may also hold money or property in trust, or on deposit from executors, administrators, assignees, guardians and trustees, upon such terms and conditions as may be agreed upon.

Deposits by
authority of
court.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1907.

AN ACT TO PROVIDE FOR REMODELING THE HOUSE OF CORRECTION AT IPSWICH.

Chap. 418

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized and directed to remodel the house of correction at Ipswich by enlarging the cells and making such other changes as may be necessary to provide suitable, humane and proper accommodations for prisoners.

Remodeling of
house of
correction at
Ipswich.

SECTION 2. For the purposes of this act the county commissioners are authorized to expend a sum not exceeding one thousand dollars.

Expenditure.

Plans to be prepared.

SECTION 3. Before the remodeling aforesaid is begun plans therefor shall be prepared under the direction of the county commissioners, but no work shall be done nor any contract made until such plans have been approved by the board of prison commissioners.

SECTION 4. This act shall take effect upon its passage.

Approved May 16, 1907.

Chap.419 AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO PURCHASE EVIDENCES OF INDEBTEDNESS AND CAPITAL STOCK OF THE CONWAY ELECTRIC STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

The Fitchburg Railroad Company may purchase securities of the Conway Electric Street Railway Company.

Rights and duties of the Conway Electric Street Railway Company.

SECTION 1. The Fitchburg Railroad Company is hereby authorized and empowered to purchase, hold, own, manage and enjoy the evidences of indebtedness, or any part thereof, and the capital stock, or any part thereof, of the Conway Electric Street Railway Company.

SECTION 2. The Conway Electric Street Railway Company, so long as the evidences of indebtedness or capital stock thereof shall be held, owned, managed or enjoyed, in whole or in part, by the said railroad company, shall not purchase, hold, own, manage or enjoy the whole or a part of the franchise or property of, and shall not consolidate with, any other street railway company incorporated under the laws of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1907.

Chap.420 AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF HEATH.

Be it enacted, etc., as follows:

Proceedings of the town of Heath confirmed.

SECTION 1. The acts and proceedings of the town of Heath at its annual town meeting in March, nineteen hundred and seven, shall not be invalidated or affected by any error or omission in the attesting or posting of the warrant for the said meeting.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1907.

AN ACT TO ESTABLISH THE NAME OF THE WRENTHAM STATE SCHOOL. *Chap.421*

Be it enacted, etc., as follows:

SECTION 1. The school for feeble-minded, established under chapter five hundred and eight of the acts of the year nineteen hundred and six, shall be known as Wrentham State School.

Name of the Wrentham State School established.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1907.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF MILFORD AND UPTON. *Chap.422*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Milford and Upton:—Beginning at the corner of the towns of Hopkinton, Milford and Upton, at a point on the westerly shore of North pond, about nineteen hundred and fifty feet south fifty-nine degrees, six minutes west, true bearing, from a drill-hole in a boulder five feet in height and six by nine feet in section, standing in a wall in the boundary line between the towns of Hopkinton and Milford; thence southerly, following the high water line of the pond as it would be with the water level with the crest of the rollway in the present dam at the southerly end of the pond, and easterly, along the northerly face of the dam, to a point in the middle of the sluiceway through which the water is drawn from said pond; thence southerly, along the middle of Mill river, the outlet of the pond, about two and one quarter miles to the corner of the towns of Hopedale, Milford and Upton, at a point in the middle of the river about six feet north, fifty-three degrees east, from a drill-hole in the easterly end of a boulder twelve feet in height and twenty by thirty-five feet in section, a monument in the line between Hopedale and Upton, standing in the westerly bank of the river.

Boundary line between the towns of Milford and Upton established.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1907.

Chap.423 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF MILFORD AND HOPKINTON.

Be it enacted, etc., as follows:

Boundary line
between the
towns of
Milford and
Hopkinton
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Milford and Hopkinton: — Beginning at a granite monument standing at the corner of the towns of Holliston, Hopkinton and Milford, in latitude forty-two degrees, eleven minutes, twenty-nine and twenty-seven hundredths seconds, and longitude seventy-one degrees, thirty minutes, eleven and nineteen hundredths seconds; thence south fifty-one degrees, fifty-four minutes west, true bearing, fourteen hundred and sixty-eight feet to a granite monument standing at an angle in the present boundary; thence north eighty-eight degrees, five minutes west, true bearing, eighty-eight hundred and forty-two feet to a granite monument standing about ninety feet west of Purchase street, Milford, or South street, Hopkinton, at an angle in the present boundary line; thence south fifty-nine degrees, six minutes west, true bearing, thirty-one hundred and seventy-seven feet to a drill-hole in a boulder five feet in height and six by nine feet in section, standing in a wall and in the present boundary line; thence, in the same direction, about nineteen hundred and fifty feet to the westerly shore of North pond, at the corner of the towns of Hopkinton, Milford and Upton, said corner being at high water line as it would be with the water level with the crest of the rollway in the present dam at the southerly end of the pond.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1907.

Chap.424 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HOPKINTON AND UPTON.

Be it enacted, etc., as follows:

Boundary line
between the
towns of
Hopkinton and
Upton estab-
lished.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Hopkinton and Upton: — Beginning at a granite monument standing at the corner of the towns of Hopkinton, Upton and Westborough, in latitude forty-two degrees, thirteen minutes, thirty-three and sixty-four hundredths seconds, and longitude seventy-one degrees, thirty-five minutes, fifty-nine and

twenty-six hundredths seconds; thence south fifteen degrees, twenty-two minutes west, true bearing, twenty-nine hundred and sixty-nine feet to a granite monument, standing at an angle in the present boundary line; thence south thirty-two degrees, thirty minutes east, true bearing, ninety-seven hundred and thirty-nine feet to a granite monument standing at an angle in the present boundary line, about fifty feet west of Elm street, Hopkinton, or Forest street, Upton; thence south eighty-three degrees, fifty-nine minutes east, true bearing, thirty-one hundred and twenty-eight feet to a granite monument standing at an angle in the present boundary line, on the easterly side of School street, Hopkinton, or East street, Upton; thence southerly along the easterly line of the highway, about seven hundred and thirty-five feet to a granite monument standing at an angle in the present boundary line; thence south eighty-eight degrees, thirty-eight minutes east, true bearing, forty-one hundred and seventy-two feet to a granite monument on the westerly shore of North pond; thence southerly, following the high water line of the pond as it would be with the water level with the crest of the roll-way in the present dam at the southerly end of the pond, to the corner of the towns of Hopkinton, Milford and Upton, at a point about nineteen hundred and fifty feet south fifty-nine degrees, six minutes west, true bearing, from a drill-hole in a boulder five feet in height and six by nine feet in section, standing in a wall in the boundary line between the towns of Hopkinton and Milford.

Boundary line between the towns of Hopkinton and Upton established.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1907.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF SUTTON AND MILLBURY.

Chap. 425

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Sutton and Millbury: — Beginning at a granite monument standing at the corner of the towns of Grafton, Millbury and Sutton, in latitude forty-two degrees, eleven minutes, twenty-nine and fifty-three hundredths seconds, and longitude seventy-one degrees, forty-three minutes, twenty-six and forty-three hundredths seconds; thence south fifty-eight

Boundary line between the towns of Sutton and Millbury established.

Boundary line
between the
towns of
Sutton and
Millbury
established.

degrees, thirty-six minutes west, true bearing, thirty-three hundred and twelve feet to a granite monument standing in a wall at an angle in the present boundary line; thence south two degrees, thirty-five minutes east, true bearing, eleven hundred and eighty-three feet to a point about one hundred and twenty-five feet north of the northerly bank of Blackstone river; thence south forty-nine degrees, twenty-nine minutes west, true bearing, twenty-four hundred and eleven feet, passing through a granite monument standing in the present boundary line on the northeasterly side of Providence street, to a granite monument standing at the northeastern edge of a cultivated field, in the present boundary line; thence north thirty-nine degrees, forty-eight minutes west, true bearing, fifteen hundred and thirty-two feet, passing through and three hundred and eighty-five feet beyond a granite monument standing at a junction of walls, in the present boundary line, to a point in a cultivated field in the present boundary line; thence south fifty-nine degrees, twenty-six minutes west, true bearing, twenty-six thousand nine hundred and nine feet to a granite monument standing at the corner of the towns of Millbury, Oxford and Sutton, in latitude forty-two degrees, eight minutes, forty-one and sixty-nine hundredths seconds, and longitude seventy-one degrees, forty-nine minutes, forty-eight and twenty-one hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1907.

Chap. 426 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF SUTTON AND DOUGLAS.

Be it enacted, etc., as follows:

Boundary line
between the
towns of
Sutton and
Douglas
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Sutton and Douglas: — Beginning at a granite monument standing at the corner of the towns of Douglas, Sutton and Uxbridge, in latitude forty-two degrees, five minutes, forty-three and thirty-six hundredths seconds, and longitude seventy-one degrees, forty-one minutes, forty-nine and seven tenths seconds; thence south seventy-five degrees, forty-three minutes west, true bearing, twenty thousand and six feet to a granite monument standing at an angle in the present boundary line at an intersection of walls on the

southeast slope of a hill; thence north fourteen degrees, forty-two minutes west, true bearing, twenty-four hundred and ninety-four feet to a granite monument standing on the northerly side of Oak street in the present boundary line; thence continuing in the same direction, forty-five hundred feet to a point in Manchaug lake or pond; thence north eighty-eight degrees, eighteen minutes west, true bearing, forty-eight hundred and twenty-three feet to a granite monument standing at an angle in the present boundary line in woodland at the south end of a wall; thence south sixty-six degrees, twenty-five minutes west, true bearing, fourteen hundred and sixteen feet to a granite monument standing at the corner of the towns of Douglas, Oxford and Sutton, in latitude forty-two degrees, five minutes, fifty-seven and eighteen hundredths seconds, and longitude seventy-one degrees, forty-seven minutes, fifty-one and fifty-three hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1907.

AN ACT TO PROVIDE FOR THE ALLOWANCE OF THE ACTUAL TRAVELLING EXPENSES OF COLLECTORS OF TAXES IN CASES OF ARREST.

Chap. 427

Be it enacted, etc., as follows:

SECTION 1. In addition to the fee of one dollar which by section thirteen of chapter thirteen of the Revised Laws a collector of taxes is allowed for an arrest, he shall be allowed his actual travelling expenses incurred in making such arrest.

Travelling expenses of collectors of taxes in cases of arrest.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1907.

AN ACT RELATIVE TO ELECTRIC RAILROAD COMPANIES.

Chap. 428

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter five hundred and sixteen of the acts of the year nineteen hundred and six is hereby amended by striking out at the end thereof the words "The board of aldermen or the selectmen shall set forth in the certificate required by section seven the fact that such notice was mailed as above provided", and inserting in place thereof the words: — and said clerk shall

1906, 516, § 6, amended.

Proceedings
before boards
of aldermen of
cities or select-
men of towns.

make and deliver to the directors at the hearing a certificate setting forth the fact that such notice was published and mailed as provided above, and such certificate shall be conclusive evidence thereof,—so as to read as follows:—*Section 6.* In case the board of railroad commissioners grants the certificate specified in the preceding section, the directors may, within sixty days after the granting thereof, apply to the board of aldermen of each city and to the selectmen of each town in which the railroad is to be located to fix the route of the railroad in such city or town, and with such application the directors shall file a copy of the maps and general profile, and, upon request, the other information presented to the board of railroad commissioners. The board of aldermen and the selectmen shall give fourteen days' notice of the time and place for a hearing on such application by publication thereof in one or more newspapers, if there be any, published in said city or town; otherwise in such newspaper or newspapers published in the county in which the city or town is situated as shall be designated by the board of railroad commissioners; and written notice of the time and place at which such hearing will be held shall be mailed at least seven days before said hearing by the clerk of the city or town in which the application for locations has been filed to the owners as determined by the last preceding assessment for taxation of real estate along the public ways or parts of ways upon which it is proposed to construct said line and to the owners of private land upon which the route of the railroad is to be fixed; and said clerk shall make and deliver to the directors at the hearing a certificate setting forth the fact that such notice was published and mailed as provided above, and such certificate shall be conclusive evidence thereof.

1906, 516, § 7,
amended.

SECTION 2. Section seven of said chapter five hundred and sixteen is hereby amended by striking out all after the word "or", in the fourteenth line, down to and including the word "directors", in the twenty-sixth line, and inserting in place thereof the following:—fail within ninety days after the date of the filing of the application to agree with the directors upon a route, or as to requirements in respect of the part of the route located longitudinally upon public ways and places which meet with the approval of the board of railroad commissioners, the di-

rectors or the board of aldermen or selectmen within one hundred days after the date of the filing of the application may apply to the board of railroad commissioners, which may, in its discretion, after notice to the directors and board of aldermen or selectmen, and after public notice and a hearing, fix the route and determine the grades and method of constructing said railroad in such city or in such town, and no change shall thereafter be made by the directors in the grades or method of construction so determined without the approval in writing of the board of railroad commissioners after notice to the board of aldermen or selectmen and after public notice and a hearing,—so as to read as follows:—*Section 7.* If the route designated in the application is agreed to by the board of aldermen or the selectmen, and all requirements in respect of the part of said route located longitudinally upon public ways and places are assented to by the directors, and thereafter are approved in writing by the board of railroad commissioners, the board of aldermen or the selectmen shall make a certificate setting forth the route as fixed by them, which shall be certified by said board or their clerk to the directors, and no further proceedings shall be necessary, but the route so agreed to shall be the route of said railroad in such city or town. If the board of aldermen or the selectmen agree with the directors upon a route different from that designated in the application, or fail within ninety days after the date of the filing of the application to agree with the directors upon a route, or as to requirements in respect of the part of the route located longitudinally upon public ways and places which meet with the approval of the board of railroad commissioners, the directors or the board of aldermen or selectmen within one hundred days after the date of the filing of the application may apply to the board of railroad commissioners, which may, in its discretion, after notice to the directors and board of aldermen or selectmen, and after public notice and a hearing, fix the route and determine the grades and method of constructing said railroad in such city or in such town, and no change shall thereafter be made by the directors in the grades or method of construction so determined without the approval in writing of the board of railroad commissioners after notice to the board of aldermen or selectmen and after public notice

Fixing of route
of electric rail-
road com-
panies.

and a hearing. Said board shall thereupon make a certificate setting forth the route as fixed by it, which route shall be certified by its clerk to the directors. In fixing such route the board of railroad commissioners shall not locate it longitudinally upon any public way or place in such city or town without the consent of the board of aldermen of such city or the selectmen of such town. That part of the route which consists of a location longitudinally upon a public way or place shall not be deemed to be fixed until all requirements which may be imposed in respect of it by the board of aldermen, or the selectmen, as the case may be, are approved in writing by the board of railroad commissioners.

1906, 516, § 12,
amended.

Certain sections of railroad law not to apply.

SECTION 3. Section twelve of said chapter five hundred and sixteen is hereby amended by striking out the word "forty-one", in the twelfth line, and inserting in place thereof the word:—forty,— and by striking out the word "forty-three", in the fifteenth line, and inserting in place thereof the word:—forty-two,— so as to read as follows:—*Section 12.* An electric railroad company shall not be subject to the following provisions of law relative to railroad corporations contained in Part II of said chapter four hundred and sixty-three: so much of section twenty-two of said chapter as refers to tracks laid longitudinally within the limits of a public way; so much of section forty-six of said chapter as applies to grain elevators; sections fifty-eight, fifty-nine and sixty of said chapter, relative to stock or bonds of other corporations; sections one hundred and forty-seven, one hundred and fifty-six, one hundred and seventy-three to one hundred and seventy-six, inclusive, and two hundred and forty, of said chapter relative to operation; section one hundred and fifty-five of said chapter relative to the obstruction of highways; and so much of section two hundred and forty-two of said chapter as applies to locations longitudinally within the limits of a public way; but the board of railroad commissioners shall prescribe rules and regulations relative to the equipment of cars, the ringing of bells, the sounding of whistles and the giving of signals, for the prevention of accidents.

1906, 516, § 13,
amended.

SECTION 4. Section thirteen of said chapter five hundred and sixteen is hereby amended by striking out the word "thirty-three", in the first line, and inserting in

place thereof the word: — thirty-two, — so as to read as follows: — *Section 13.* Section two hundred and thirty-two of Part II of said chapter four hundred and sixty-three shall apply to an electric railroad company, with the addition, after the word “track”, in the second line thereof, of the words “not within the limits of a highway”; and section sixty-three of Part I of said chapter shall apply to such company, with the addition, after the word “upon”, in the fourteenth line thereof, of the words “that part of”, and after the word “railroad”, in the fourteenth and fifteenth lines thereof, of the words “not within the limits of a highway.”

Certain provisions of law to apply, etc.

SECTION 5. This act shall apply to all pending proceedings under said chapter five hundred and sixteen.

To apply to proceedings pending.

SECTION 6. This act shall take effect upon its passage.

Approved May 17, 1907.

AN ACT TO AMEND THE LAWS RELATING TO ELECTIONS.

Chap. 429

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter eleven of the Revised Laws is hereby amended by inserting after the sixth paragraph the following paragraph: — “Convention” shall apply only to a meeting of delegates duly chosen in caucuses, representing two or more subdivisions of the district for which the convention is held.

R. L. 11, § 1, amended.

SECTION 2. The third paragraph of section fifteen of said chapter is hereby amended by inserting after the word “books”, in the fourth line, the words: — When informed of the omission of the name of a person who is averred to have lived in the city or town on the first day of May in the current year, and to have been assessed there in the preceding year, they shall make due investigation, and, upon proof thereof, supply the omission on their books, — so that said paragraph will read as follows: — The assessors shall, upon the personal application of an assessed person for the correction of any error in their original lists, and whenever informed of any such error, make due investigation, and, upon proof thereof, correct the same on their books. When informed of the omission of the name of a person who is averred to have lived in the city or town on the first day of May in the current year, and to have been assessed there in the preceding year, they shall

R. L. 11, § 15, amended.

Omission in record to be supplied.

make due investigation, and, upon proof thereof, supply the omission on their books. They shall cause all applications, certificates and affidavits received by them under this section to be preserved for two years.

R. L. 11, § 19,
etc., amended.

SECTION 3. The third paragraph of section nineteen of said chapter, as amended by section three of chapter two hundred and ninety-four of the acts of the year nineteen hundred and four, is hereby further amended by inserting after the word "election", in the sixth line, the words: — and forthwith notify the board of registrars of voters of the city or town, if in this Commonwealth, where such person resided on the first day of May, that they have given such certificate, — so that said paragraph will read as follows: — If the assessors are satisfied that such statements are true, they shall, in the first case, assess such applicant for his polls and estate and give him a certificate of assessment, and in the second, give him a certificate that he has been a resident in such city or town the six months preceding such election, and forthwith notify the board of registrars of voters of the city or town, if in this Commonwealth, where such person resided on the first day of May, that they have given such certificate; but in Boston no witnesses shall be required as aforesaid, and no person shall be assessed later than the twentieth day of December.

Assessment of
polls and
estates.

R. L. 11, § 36,
amended.

SECTION 4. Section thirty-six of said chapter is hereby amended by striking out the word "two", in the twenty-fourth line, and inserting in place thereof the word: — one, — so that the third sentence of the last paragraph of said section will read as follows: — In towns not divided into voting precincts, they shall, not more than twenty days before the annual state election and also not more than twenty days before the annual town meeting, but in each case on or before the last day fixed for registration, hold sessions in one or more suitable places.

Sessions of
registrars of
voters.

R. L. 11, § 109,
etc., amended.

SECTION 5. The first paragraph of section one hundred and nine of said chapter, as amended by chapter two hundred and seventy-five of the acts of the year nineteen hundred and four, is hereby further amended by striking out all after the word "held", in the fifth line of said paragraph, and inserting in place thereof the words: — or that he is a candidate for renomination, provided that such be the fact, — so that said paragraph will read as follows: — *Section 109.* The nomination paper for an elective office shall give the name of the candidate, the street and num-

Caucuses;
information
concerning

ber, if any, of his residence, and may, in not more than eight words, state his occupation, the public offices he has held, or that he is a candidate for renomination, provided that such be the fact.

candidates for
elective offices.

SECTION 6. Section one hundred and forty-three of said chapter, as amended by section four of chapter four hundred and forty-four of the acts of the year nineteen hundred and six, is hereby further amended by inserting after the word "voters", in the fourteenth line, the words: — *provided*, that no more signatures shall be required for any district nomination than are required for a nomination at large, — so as to read as follows: — *Section 143.* Nominations of candidates for any offices to be filled by all the voters of the Commonwealth may be made by nomination papers, stating the facts required by section one hundred and forty-six and signed in the aggregate by not less than one thousand voters for each candidate. Nominations of all other candidates for offices to be filled at a state election, and of all candidates for offices to be filled at a city election, may be made by like nomination papers, signed in the aggregate, for each candidate, by two voters for every one hundred votes cast for governor at the preceding annual state election in the electoral district or division for which the officers are to be elected, but in no case by less than fifty qualified voters: *provided*, that no more signatures shall be required for any district nomination than are required for a nomination at large. Nominations of candidates for offices to be filled at a town election may be made by nomination papers, signed by at least one voter for every fifty votes polled for governor at the preceding annual state election in such town, but in no case by less than twenty voters. At a first election to be held in a newly established ward of a city, the number of voters upon a nomination paper of a candidate who is to be voted for only in such ward need not exceed fifty; and at a first election in a town the number for the nomination of a candidate who is to be voted for only in such town need not exceed twenty.

R. L. 11, § 143,
etc., amended.

Nomination
papers,
number of
signatures.

Proviso.

SECTION 7. The second paragraph of section one hundred and forty-six of said chapter is hereby amended by inserting after the word "words", in the twenty-first line, the word: — and, — and by striking out the words "and to it shall be added the words 'nomination paper', or, as abbreviated, 'nom. paper' ", in the twenty-second, twenty-third and twenty-fourth lines, — so that said paragraph

R. L. 11, § 146,
amended.

Political designation of candidates in certain cases.

will read as follows: — If a candidate is nominated otherwise than by a political party, the name of a political party shall not be used in his political designation, except as describing and preceding some other name or term which shall not be the name of any party which cast at the last preceding election more than three thousand votes for governor; and if so used in case of a candidate nominated by a nomination paper, the political designation shall consist of not more than two words and shall not be changed after having been placed upon the paper. Certificates of nomination and nomination papers for town offices may or may not include a designation of the party or principle which the candidate represents.

R. L. 11, § 197, amended.

SECTION 8. The first paragraph of section one hundred and ninety-seven of said chapter is hereby amended by inserting after the word “terms”, in the sixth line, the words: — and the names of candidates nominated by single wards but to be voted for at large shall be arranged in groups by wards. In the case of the office of representative in congress, the designation may be “congressman”, — so that said paragraph will read as follows: — The names of candidates for every state, city and town office, except the names of candidates for presidential electors, shall be arranged under the designation of the office in alphabetical order according to the surnames; but the names of candidates for the same office but for different terms of service therein shall be arranged in groups according to the length of their respective terms, and the names of candidates nominated by single wards but to be voted for at large shall be arranged in groups by wards. In the case of the office of representative in congress, the designation may be “congressman.” Blank spaces shall be left at the end of the list of candidates for each different office, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office. If the approval of a constitutional amendment or any other question is submitted to the voters, it shall be printed on the ballot after the names of the candidates.

Arrangement of names of candidates on ballots.

R. L. 11, § 204, amended.

SECTION 9. Section two hundred and four of said chapter is hereby amended by striking out the words “one or more”, in the seventh line, and inserting in place thereof the words: — not less than three, — so as to read as fol-

lows: — *Section 204.* The secretary of the Commonwealth shall, at least five days before state elections, transmit to the registrars printed lists of the names, residences and designations of candidates to be voted for at each polling place, substantially in the form of the official ballot, and also printed copies of any proposed amendment to the constitution. The registrars shall, upon the receipt thereof, conspicuously post in not less than three public places in each voting precinct or town the lists and copies aforesaid for such precinct or town.

Lists of names, etc., of candidates to be transmitted to registrars of voters.

SECTION 10. Section two hundred and nine of said chapter is hereby amended by adding at the end thereof the words: — No ballots or specimen ballots shall be delivered by city or town clerks except as provided in this section.

R. L. 11, § 209, amended.

Delivery of ballots, etc.

SECTION 11. Section two hundred and fourteen of said chapter is hereby amended by adding at the end thereof the words: — All specimen ballots not posted shall be kept in the custody of the presiding officer until after the closing of the polls.

R. L. 11, § 214, amended.

Custody of specimen ballots.

SECTION 12. Section two hundred and twenty-six of said chapter is hereby repealed.

R. L. 11, § 226, repealed.

SECTION 13. Section four hundred and twenty-one of said chapter, as amended by chapter three hundred and eighteen of the acts of the year nineteen hundred and three, is hereby further amended by inserting after the word "equity", in the second line, the words: — or by mandamus, — so as to read as follows: — *Section 421.* The supreme judicial court and the superior court shall have jurisdiction at law or in equity or by mandamus to enforce the provisions of this chapter. Police officers and constables shall arrest without a warrant any person detected in the act of violating the caucus or election laws. A prosecution for the violation of any provision of this chapter shall not, unless the purposes of justice require such disposition, be placed on file or disposed of except by trial and judgment according to the regular course of criminal proceedings. It shall be disposed of otherwise only upon motion in writing stating specifically the reasons therefor and verified by affidavit if facts are relied on. If the court or magistrate certifies in writing that he is satisfied that the cause relied on exists and that the interests of public justice require the allowance of the motion the motion shall be allowed and

R. L. 11, § 421, etc., amended.

Enforcement of provisions of election law.

the certificate of the court or magistrate shall be filed in the case.

1903, 454, § 11,
amended,

Oath to be
taken by
certain persons
desiring to
vote, etc.

SECTION 14. Section eleven of chapter four hundred and fifty-four of the acts of the year nineteen hundred and three is hereby amended by striking out the last paragraph and inserting in place thereof the following: — No voter who denies the accuracy of his enrolment may deposit his ballot until he takes the following oath which shall be administered to him by the presiding officer of the primary: —

Form of oath.

You do solemnly swear, or affirm, that you are a registered voter in this ward (or town), and have the legal right to vote in this primary and that you are a member of the _____ party holding the same and are incorrectly enrolled as a member of the political party.

Challenging
voters.

Such voter may be challenged like any other voter. Any person whose right to vote is challenged for any cause recognized by law shall not be permitted to vote until he has taken the foregoing oath; and the clerk or secretary of the primary shall make a record of the administration of said oath to every person who takes the same, which record shall state whether or not said person voted. Said record shall be returned with the proceedings of said primary and shall be prima facie evidence in any court that such person took said oath and voted in said primary.

1906, 444, § 1,
amended.

Caucuses for a
certain purpose
to be held in
each voting
precinct.

SECTION 15. Section one of chapter four hundred and forty-four of the acts of the year nineteen hundred and six is hereby amended by striking out the words "one hundred and sixty-six", in the seventh line, and inserting in place thereof the words: — one hundred and sixty-one, — so as to read as follows: — *Section 1.* A caucus held in a city or town by a political party which has adopted the provisions of section ninety-nine of chapter eleven of the Revised Laws and of the following thirty-two sections of said chapter, or the corresponding provisions of earlier laws, and in cities and towns where elections are held in voting precincts under and by virtue of sections one hundred and sixty-one to one hundred and seventy, inclusive, and of section three hundred and fifty-three of said chapter, shall be held in each of the voting precincts therein: *provided*, that the city or town committee of either of the two chief political parties shall, two weeks at least before the time

Proviso.

for holding the caucus, file a written request to the foregoing effect with the aldermen of the city or the selectmen of the town. In case such request is filed, the aldermen or selectmen shall furnish a polling place in every such precinct for the use of the political party filing such request, in accordance with the provisions of section one hundred and five of said chapter.

SECTION 16. Any association of legal voters which, first, at the preceding city election, polled for mayor at least three per cent of the whole vote cast in the city for that office, or, second, which files with the city clerk, at least sixty days before the annual municipal election, a petition to be allowed to place caucus nominations on the official ballot, which petition is signed by a number of registered voters of the city equal to at least three per cent of the whole vote polled in the city for mayor at the preceding election, shall be deemed a municipal party, so far as the municipal elections in that city are concerned, and a political party within the meaning of chapter eleven of the Revised Laws and amendments thereof, as if the same party had at the preceding annual state election polled for governor at least three per cent of the whole vote cast in the Commonwealth for that office. Voting or taking part in the caucuses of any such municipal party by any voter shall not affect his legal right to vote or to take part in the caucuses of any other political party, whether national, state or municipal, for any other election; and having voted or taken part in the caucuses of another political party for any previous election, whether city, state or national, shall not affect his right to vote or take part in the caucuses of any such municipal party.

Municipal parties.

SECTION 17. Whoever wilfully obstructs or interferes with the transmission of ballots or returns to or from a polling place shall be punished by imprisonment for not more than one year.

Penalty for obstructing transmission of ballots.

SECTION 18. Whoever interferes, or aids or abets any person in interfering with an election commissioner, city or town clerk, or election officer, in the performance of his duties shall be punished by imprisonment for not more than one year.

Penalty for interfering with election officers, etc.

SECTION 19. This act shall take effect upon its passage.

Approved May 17, 1907.

Chap.430 AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF COMMITTEES OF THE GENERAL COURT.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet expenses of committees of the present general court, to wit:—

Expenses of committees.

For authorized expenses of committees, including clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Advertising hearings, etc.

For expenses of advertising hearings of committees, to include preparing and mailing the advertisements to the various newspapers, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1907.

Chap.431 AN ACT TO PROVIDE FOR THE BETTER PROTECTION FROM FIRE OF WOODLANDS ADJOINING RAILROADS.

Be it enacted, etc., as follows:

Protection from fire of woodlands adjoining railroads.

SECTION 1. Every corporation operating a steam railroad within this Commonwealth shall, subject to the approval of the board of railroad commissioners, install and maintain a spark-arrester on every engine in its service in which wood, coke or coal is used as fuel, and shall, between the first day of April and the first day of December in each year, keep the full width of all of its locations over which such engines are operated, to a point two hundred feet distant from the centre line on each side thereof, clear of dead leaves, dead grass, dry brush or other inflammable material, and shall not at any time leave any deposit of fire, hot ashes or live coals upon its locations in the immediate vicinity of woodlands or grass lands, and shall post in stations and other conspicuous places within its location and right of way such notices and warning placards as are furnished to it for the purpose by the state forester: *provided*, that nothing in this section shall be construed to prohibit any railroad corporation from piling

Proviso.

or keeping upon its location or right of way cross-ties or other material necessary for the maintenance and operation of its railroad.

SECTION 2. Any railroad corporation may, upon giving notice according to the provisions of this section, enter upon unimproved land adjoining any location or right of way upon which it operates engines burning wood, coke or coal, and may there at its own expense and subject to the direction of the forest fireward, or the officer or board having his powers, in the city or town in which the land is situated, clear such land of dead leaves, dead grass and dead wood to a distance of one hundred feet from the tracks, without thereby becoming liable for trespass: *provided*, that no railroad corporation shall, under the provisions of this section, do any acts on unimproved land outside its location or right of way, unless it has within two months given fourteen days' notice in writing by mail or otherwise to the occupant of the land, and to the owner thereof, if he resides or has a usual place of business in the city or town in which it is situated, and if the land is unoccupied and the owner does not reside or have a usual place of business in the city or town, then, unless the railroad corporation has within two months published notice of its purpose once in three successive weeks in a newspaper published in the county in which the land is situated, and unless it has within three days given at least twenty-four hours' notice to the forest fireward, or the officer or board having his powers, in the city or town in which the land is situated of the location of the land which it intends to enter under the provisions of this section, and of the time at which it intends to enter the same; and *provided, further*, that no notice hereby required shall be valid unless it sets forth the provisions of this section.

A railroad corporation may enter upon unimproved land, etc.

Provisos.

SECTION 3. Any engineer, conductor or other employee on a train who discovers a fire burning uncontrolled on lands adjacent to the tracks shall forthwith cause a fire signal to be sounded from the engine, which shall consist of one long and three short whistle blasts repeated several times, and shall notify the next sectionmen whom the train passes, and the next telegraph station, of the existence and location of the fire. The provisions of this section shall not affect the authority conferred upon the board of railroad commissioners by the provisions of section one hun-

Signal to be sounded in case of fire, etc.

dred and forty-eight of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six.

Provision for
extinguishing
fires.

SECTION 4. Sectionmen or other employees of a railroad corporation who receive notice of the existence and location of a fire burning on land adjacent to the tracks shall forthwith proceed to the fire and shall use all reasonable efforts to extinguish it: *provided*, that they are not at the time employed in labors immediately necessary to the safety of tracks or to the safety and convenience of passengers and the public.

Proviso.

Duties, etc., of
employees.

SECTION 5. Railroad corporations shall inform their employees as to their duties under this act and shall furnish them with the appropriate facilities for reporting and extinguishing such fires.

How provi-
sions of act are
to be con-
strued.

SECTION 6. Nothing in this act shall be construed to give any railroad corporation power to enter upon, or to interfere in the management or care of, any public park or reservation.

When to take
effect.

SECTION 7. This act shall take effect sixty days after its passage.
Approved May 17, 1907.

Chap.432 AN ACT RELATIVE TO THE AGE OF EPILEPTICS ELIGIBLE FOR ADMISSION TO THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Be it enacted, etc., as follows:

Admission to
Massachusetts
hospital for
epileptics.

SECTION 1. A person of the age of ten years or over who is subject to epilepsy, if he is not a criminal, inebriate or violently insane, may be received for care and treatment in the Massachusetts hospital for epileptics by the trustees thereof or may, if insane, be committed thereto. The provisions of section sixty-six of chapter eighty-seven of the Revised Laws, as amended by chapter three hundred and fifty-two of the acts of the year nineteen hundred and six, and of sections sixty-seven and sixty-eight of said chapter eighty-seven shall apply to epileptics of the age of ten years or over.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.
Approved May 17, 1907.

AN ACT TO AUTHORIZE AND DIRECT THE METROPOLITAN PARK COMMISSION TO FURNISH BAND CONCERTS IN PARKS, PARKWAYS AND OTHER PLACES UNDER ITS CONTROL. *Chap.433*

Be it enacted, etc., as follows:

SECTION 1. The metropolitan park commission is hereby directed to provide band concerts in such parks, parkways or other places under its care and control as it may select, and at such times as it may deem expedient, and for this purpose may expend during the present fiscal year a sum not exceeding twenty-five thousand dollars, to be paid out of the Metropolitan Parks Maintenance Fund.

Band concerts to be provided in parks, parkways, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1907.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPRESSION OF THE GYPSY AND BROWN TAIL MOTHS. *Chap.434*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to wit: —

Appropriations.

For the suppression of the gypsy and brown tail moths in the year nineteen hundred and seven, and for expenses incidental thereto, a sum not exceeding two hundred and twenty thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Suppressing gypsy and brown tail moths in 1907.

For suppressing the gypsy and brown tail moths in the year nineteen hundred and eight, and for expenses incidental thereto, a sum not exceeding one hundred and fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Same in 1908.

For the suppression of the gypsy and brown tail moths in the year nineteen hundred and nine, and for expenses incidental thereto, a sum not exceeding one hundred and fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Same in 1909.

For experimenting with parasites or natural enemies for destroying said moths, and for incidental expenses incident thereto, a sum not exceeding fifteen thousand dollars, in addition to any unexpended balance of a former appropriation for the same purpose. Of this amount there may be

Experimenting with parasites, etc.

expended a sum not exceeding ten thousand dollars for the purpose of obtaining opinions and information from expert advisers relative to the matter of parasites.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1907.

Chap.435 AN ACT TO AUTHORIZE THE TOWN OF WHITMAN TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Whitman
Additional
Water Loan,
Act of 1907.

SECTION 1. The town of Whitman, for the purpose of extending and improving its water service, may borrow money from time to time and issue therefor negotiable bonds, notes or scrip to an amount not exceeding twenty thousand dollars in addition to the amounts heretofore authorized by law to be issued by the town for water purposes. Such bonds, notes or scrip shall be signed by the treasurer of the town and countersigned by the water commissioners, shall be denominated on the face thereof, Whitman Additional Water Loan, Act of 1907, shall be payable at the expiration of periods not exceeding twenty-five years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, as the town may determine. The town may sell such securities at public or private sale or pledge the same for not less than the par value thereof for money borrowed for the purposes aforesaid upon such terms and conditions as it may deem proper, and shall provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the date of issue, as will extinguish the same within the time prescribed in this act. At the time of issuing the said loan the town shall provide for raising by taxation the amount necessary to meet the interest and the proportion of the principal which becomes payable annually; and when a vote to that effect has been passed the said amount shall be raised annually by taxation in the same manner in which other taxes are assessed and collected, without further vote or action by the town.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1907.

AN ACT RELATIVE TO THE EXPENSE OF MAINTAINING AND OPERATING A CERTAIN BRIDGE ACROSS DANVERS RIVER BETWEEN THE CITIES OF SALEM AND BEVERLY. *Chap. 436*

Be it enacted, etc., as follows:

SECTION 1. The expense of maintaining and operating the Essex bridge, so-called, across Danvers river, between the cities of Salem and Beverly shall, in the first instance, be paid out of the treasury of the county of Essex. The county commissioners of the county of Essex shall have full control of the bridge and shall annually in the month of November submit to the treasurers of said cities a true statement of the expense of the maintenance and operation of the bridge; and within thirty days thereafter the said cities shall pay into the treasury of the county of Essex sixty per cent of said expense, forty per cent to be paid by the city of Salem and twenty per cent by the city of Beverly, and if either of the said cities shall neglect or refuse to pay its proportion as required aforesaid the said commissioners shall, after a notice to the city, issue a warrant for its proportion, determined as aforesaid, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the treasury of said county to be applied in payment of the expense aforesaid.

Expense of maintaining, etc., bridge across Danvers river, etc.

SECTION 2. Any street railway company having a location upon the said bridge shall annually pay into the treasury of the county of Essex a portion of the total excise and franchise taxes payable by such corporation, equivalent to the proportion of its mileage located upon said bridge to its total mileage, determined according to law, towards the expense of keeping said bridge in repair.

Street railway company having location to pay part of expense.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved May 20, 1907.*

Repeal.

AN ACT RELATIVE TO THE EXPENSE OF MAINTAINING AND OPERATING A CERTAIN BRIDGE ACROSS THE MERRIMAC RIVER IN THE TOWN OF AMESBURY. *Chap. 437*

Be it enacted, etc., as follows:

SECTION 1. The expense of maintaining and operating the Essex Merrimac bridge, so-called, across the Merrimac river, in the town of Amesbury shall, in the first instance, be paid out of the treasury of the county of Essex. The

Expense of maintaining, etc., the Essex Merrimac bridge, etc.

county commissioners of the county of Essex shall have full control of said bridge and shall annually in the month of November submit to the town of Amesbury a true statement of the expense of its maintenance and operation; and within thirty days thereafter the said town shall pay into the treasury of the county of Essex sixty per cent of said expense, and if the town shall neglect or refuse to pay its proportion as required aforesaid the said commissioners shall, after a notice to the town, issue a warrant for its proportion, determined as aforesaid, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the treasury of said county to be applied in payment of the expense aforesaid: *provided, however*, that nothing herein shall relieve the town of Salisbury from its obligations relative to the maintenance and repairs as provided for in section nine of chapter two hundred and eighty-four of the acts of the year eighteen hundred and eighty-six.

Proviso.

Street railway company having location to pay part of expense.

SECTION 2. Any street railway having a location upon the said bridge shall pay into the treasury of the county of Essex in each year a portion of the total excise and franchise taxes payable by such corporation, equivalent to the proportion of its mileage located upon said bridge to its total mileage, determined according to law, toward keeping said bridge in repair.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved May 20; 1907.*

Chap. 438 AN ACT TO REGULATE THE SETTLEMENT OF ACCOUNTS OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

Be it enacted, etc., as follows:

R. L. 150, § 17, amended.

SECTION 1. Section seventeen of chapter one hundred and fifty of the Revised Laws is hereby amended by inserting after the word "administrator", in the first line, the words:—guardian, conservator,— and by inserting after the word "accountant", in the fifth line, the words:— which have not been settled according to the provisions of section twenty-two of this chapter, or the corresponding provisions of previous statutes,— so as to read as follows:— *Section 17.* If an account of an executor, administrator, guardian, conservator or trustee is settled in the absence of a person adversely interested and without notice

Opening of settled accounts.

to him, it may be opened upon his application at any time within six months after such settlement. Upon the settlement of an account, all former accounts of the same accountant which have not been settled according to the provisions of section twenty-two of this chapter, or the corresponding provisions of previous statutes, may be so far opened as to correct a mistake or error therein; but a matter in dispute, which has been previously heard and determined by the court, shall not without leave of the court be again brought in question by any of the parties to such dispute.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1907.

AN ACT TO AUTHORIZE THE TOWN OF HUDSON TO MAKE AN
ADDITIONAL WATER LOAN. *Chap. 439*

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson, for the purposes mentioned in section five of chapter one hundred and forty-nine of the acts of the year eighteen hundred and eighty-three, is hereby authorized to issue notes, bonds or scrip, to be denominated on the face thereof, Hudson Water Loan, Act of 1907, to an amount not exceeding fifty thousand dollars, in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes. Such notes, bonds or scrip shall bear interest at a rate not exceeding four per cent per annum, and, except as otherwise provided herein, shall be issued upon the terms and conditions and with the powers specified in said chapter: *provided*, that the whole amount of such notes, bonds or scrip issued by said town, together with those heretofore issued by the town for the same purposes, shall not exceed the sum of two hundred and twenty-five thousand dollars.

Hudson Water
Loan, Act of
1907.

Proviso.

SECTION 2. The said town, instead of establishing a sinking fund as required by said chapter, is hereby authorized at the time of contracting the loan authorized by this act to provide by vote for the payment thereof in such annual proportionate payments as will extinguish the same within thirty years from the date of issue of such notes, bonds or scrip; and when a vote to that effect has been passed the amount required thereby shall without further

Payment of
loan in annual
proportionate
payments.

Proviso.

vote be assessed by the assessors of the town in each year thereafter in the same manner in which other taxes are assessed, until the debt incurred by said loan shall be extinguished: *provided, however*, that the income from the water supply shall be applied annually in payment of maturing loans, and the deficiency only shall be raised by assessment as aforesaid.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1907.

Chap. 440 AN ACT TO AUTHORIZE THE WEBSTER ELECTRIC COMPANY AND THE SOUTHBRIDGE GAS AND ELECTRIC COMPANY TO CONSOLIDATE.

Be it enacted, etc., as follows:

The South-
bridge Gas and
Electric Com-
pany may
transfer its
franchises, etc.

SECTION 1. The Southbridge Gas and Electric Company is hereby authorized, upon a vote of its stockholders at a meeting legally called for that purpose, to sell, assign, transfer and convey its locations, contracts, rights, licenses, privileges, franchises and other property to the Webster Electric Company, which is hereby authorized, upon a vote of its stockholders at a meeting legally called for that purpose, to purchase the same; and upon such sale, assignment, transfer and conveyance the said properties shall be held and enjoyed by the said Webster Electric Company in as full and complete a manner as the same are now held and enjoyed by the said Southbridge Gas and Electric Company.

Name changed,
etc.

SECTION 2. If the Southbridge Gas and Electric Company shall vote to sell and the Webster Electric Company shall vote to purchase the said properties, the Webster Electric Company shall have authority to change its name to the Webster and Southbridge Gas and Electric Company, and shall have authority, for the sole purpose of effecting such purchase and transfer, to increase its capital stock to an amount not exceeding one hundred and sixty thousand dollars, and to exchange the shares of such increase or any part thereof for shares of the capital stock of the Southbridge Gas and Electric Company upon such terms and conditions as shall have been agreed to by the two corporations voting as aforesaid, and as shall be approved by the board of gas and electric light commissioners: *provided, however*, that the Webster Electric Company shall, upon the transfer and conveyance to it as above named, assume

Proviso.

and be responsible for all debts, liabilities and obligations of the Southbridge Gas and Electric Company.

SECTION 3. The stock of the selling corporation received by the purchasing corporation as part of the transaction hereby authorized shall become the property of the purchasing corporation. Such stock shall not be sold, assigned, transferred or conveyed in whole or in part by the purchasing corporation, but shall be held by it to its use; and whenever all the properties of the Southbridge Gas and Electric Company have been transferred to and vested in the Webster Electric Company, and the indebtedness of the Southbridge Gas and Electric Company has been paid, the Southbridge Gas and Electric Company shall be dissolved, in the manner provided by law, upon petition either of the Southbridge Gas and Electric Company, of the consolidated company, or of the board of gas and electric light commissioners.

Stock of selling corporation to become the property of the purchasing corporation, etc.

SECTION 4. The Webster Electric Company is hereby further authorized to carry on the business of furnishing gas and electricity for heat, light and power in the town of Sturbridge: *provided*, that it shall first obtain the consent thereto of the selectmen of the said town. For the above purposes the said company shall have all the rights, powers and privileges pertaining to such corporations.

May furnish gas and electricity, etc.

Proviso.

SECTION 5. This act shall take effect upon its passage, but it shall become void if the said purchase and consolidation shall not have been effected according to the provisions hereof on or before the first day of January in the year nineteen hundred and eight. *Approved May 22, 1907.*

When to take effect.

AN ACT TO PROVIDE FOR INCREASING THE TERMINAL FACILITIES IN THE CITY OF BOSTON OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Chap. 441

Be it enacted, etc., as follows:

The New York, New Haven and Hartford Railroad Company, for the purpose of increasing its terminal facilities in the city of Boston, may purchase the stocks or the property of the Roxbury Central Wharf and of the South Bay Wharf and Terminal Company, corporations owning land in that part of Boston known as South Bay, upon such terms and conditions as may be agreed to by the directors of said company and of said corporations, and as shall be approved in writing by the railroad commissioners:

Increasing the terminal facilities of the New York, New Haven and Hartford Railroad Company.

Proviso.

provided, however, that the right herein granted to acquire the above named stocks or property shall not be deemed otherwise to enlarge the powers and privileges or to change the obligations of the purchasing company as a railroad corporation. Upon such purchase of stock in either of said corporations such corporation shall become subject to the same supervision of the railroad commissioners which they have over railroad corporations; and, subject to the approval of the railroad commissioners, either of said corporations may make a mortgage or mortgages upon its property to secure money borrowed.

Approved May 22, 1907.

Chap. 442 AN ACT RELATIVE TO THE JUDGES AND THE ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF WORCESTER.

Be it enacted, etc., as follows:

R. L. 164, § 1,
amended.

SECTION 1. Section one of chapter one hundred and sixty-four of the Revised Laws is hereby amended by striking out the word “and”, in the second line, and by adding at the end thereof the words: — and Worcester, — so as to read as follows: — *Section 1.* There shall be one judge of probate and insolvency in each county except in the counties of Suffolk, Middlesex and Worcester.

Judges of probate and insolvency in certain counties.

R. L. 164, § 2,
amended.

SECTION 2. Section two of said chapter is hereby amended by striking out the word “and”, in the second line, by inserting after the word “Middlesex”, in the same line, the words: — and Worcester, — and by striking out the word “either”, in the fourteenth and seventeenth lines, and inserting, in each instance, in place thereof, the word: — any, — so as to read as follows: — *Section 2.* There shall be two judges of probate and insolvency for each of the counties of Suffolk, Middlesex and Worcester. The senior judge shall be the first judge of probate and insolvency in each county, to whom, and to his successors, all bonds which are required by law to be given to the judge of the probate court or of the court of insolvency for said counties shall be made payable. The probate court and the court of insolvency for said counties may be held by one or both of the judges and, when so held, shall have and exercise all the powers and jurisdiction committed to the respective courts. The judges

Suffolk, Middlesex and Worcester counties.

shall so arrange the performance of their duties as to insure a prompt and punctual discharge thereof. Simultaneous sessions of the courts in said counties may be held if the public convenience so requires. Citations, orders of notice and all other processes issued by the register of probate and insolvency for any of said counties shall bear teste of the first judge of said courts, respectively. A deposit or investment which is made in the name of the judge of the probate court or the court of insolvency for any of said counties shall be made in the name of the first judge of the court, and shall be subject to the order of the court.

SECTION 3. Section seventeen of said chapter, as amended by section one of chapter two hundred and eighty-six of the acts of the year nineteen hundred and four, is hereby further amended by striking out the word "and", in the eighth line, and inserting after the word "Hampshire", in the same line, the words:— and Worcester, — so as to read as follows:— *Section 17.* The judges for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Suffolk and Worcester may each appoint an assistant register of probate and insolvency for his county, who shall hold office for three years unless sooner removed by the judge. Such assistant register in Berkshire, Bristol, Franklin, Hampden, Hampshire and Worcester may be a woman. Before entering upon the performance of his duties, an assistant register shall take the oaths prescribed by the constitution, and shall give bond to the treasurer and receiver general for the faithful performance of his official duties, in a sum not less than five hundred nor more than five thousand dollars, as may be ordered by the judge, with one or more sureties who shall be approved by him.

R. L. 164, § 17,
etc., amended.

Assistant
registers of
probate and
insolvency, etc.

SECTION 4. The first judge of probate and insolvency for the county of Worcester shall receive from the Commonwealth an annual salary of forty-five hundred dollars, and the other judge of probate and insolvency for said county shall receive from the Commonwealth an annual salary of three thousand dollars.

Salaries of
judges.

SECTION 5. The assistant register of probate and insolvency for the county of Worcester shall receive from the Commonwealth an annual salary of one thousand dollars.

Salary of
assistant
register of
Worcester
county.

Repeal.

SECTION 6. So much of any act as is inconsistent herewith is hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved May 22, 1907.

Chap. 443 AN ACT TO PROHIBIT THE SOLICITING OF EMPLOYMENT BY ATTORNEYS-AT-LAW.

Be it enacted, etc., as follows:

Attorneys-at-law prohibited from soliciting employment.

SECTION 1. No attorney-at-law shall through any runner, agent or person who is employed by him solicit a person to employ him to present a claim for damages, or to prosecute an action to enforce such a claim, and no attorney-at-law shall directly or indirectly give or promise to any physician or other person any money, fee, commission, profitable employment or other personal advantage in consideration of his employing such attorney on behalf of a person who has a claim for damages, or soliciting or procuring the person who has such claim to employ such attorney to present such claim or to prosecute an action for the enforcement thereof. No attorney shall appear in any suit for the enforcement of a claim in connection with which he has violated the provisions of this act.

May be disqualified in certain cases.

SECTION 2. If it shall at any time be made to appear to the satisfaction of the court that an attorney whose appearance has been entered in any suit has in connection therewith violated the provisions of this act, such attorney may in the discretion of the court be disqualified from further acting in said suit, and the court may make an order for continuance, or for another and speedy trial, or such other order for the protection of the interests of the parties, as justice may require, and may deny the right to collect costs wholly or in part to any party to the suit.

Not to apply in certain cases.

SECTION 3. The provisions of this act shall not apply to cases in which the attorney was employed in respect to the claim in suit prior to the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved May 22, 1907.

AN ACT TO AMEND AN ACT TO AUTHORIZE THE TOWN OF CHATHAM TO BUILD A BRIDGE ACROSS MITCHELL'S RIVER AND TO BORROW MONEY THEREFOR.

Chap. 444

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter five hundred and twenty-four of the acts of the year nineteen hundred and six is hereby amended by striking out the word "four", in the eleventh line, and inserting in place thereof the word:—five,—so as to read as follows:—*Section 4.* For the purpose of meeting the expense of constructing the said bridge and its abutments and approaches the said town is hereby authorized to borrow, outside of its statutory debt limit, money to an amount not exceeding fifteen thousand dollars and to issue negotiable bonds, notes or scrip therefor, payable in periods not exceeding fifteen years from the date of issue. Such bonds, notes or scrip shall be denominated on the face thereof, Town of Chatham, Mitchell's River Bridge Improvement Loan, Act of 1906, shall bear interest payable semi-annually at a rate not exceeding five per cent per annum, and shall be signed by the treasurer of the town and countersigned by the selectmen. Said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged for less than the par value thereof. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act; and when the vote to that effect has been passed, the amount required therefor shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by the said town shall be extinguished in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws. Except as otherwise provided herein, the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto shall apply to the indebtedness herein and to the securities issued therefor.

1906, 524, § 4,
amended.

Town of
Chatham,
Mitchell's
River Bridge
Improvement
Loan, Act of
1906.

Proviso.

Certain provi-
sions of law
to apply.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1907.

Chap. 445 AN ACT TO PROVIDE FOR COMPENSATING PERSONS HELD IN QUARANTINE BY ORDER OF BOARDS OF HEALTH.

Be it enacted, etc., as follows:

R. L. 75, § 36,
etc., amended.

Duties of
boards of
health in cases
of infectious
diseases.

Section thirty-six of chapter seventy-five of the Revised Laws, as amended by chapter three hundred and sixty-five of the acts of the year nineteen hundred and six, is hereby further amended by inserting at the end thereof the words: — When the board of health of a city or town shall deem it necessary in the interest of the public health to require a resident wage-earner to remain within such house or place, or otherwise to interfere with the following of his employment, he shall receive from such city or town during the period of his restraint compensation to the extent of three fourths of his regular wages: *provided, however,* that the amount so received shall not exceed two dollars for each working day, — so as to read as follows: — *Section 36.* If a disease which is dangerous to the public health breaks out in a town, or if a person is infected or lately has been infected with any such disease, the board of health shall immediately provide such hospital or place of reception, and such nurses and other assistance and necessities, as is judged best for his accommodation and for the safety of the inhabitants, and the same shall be subject to the regulations of the board. The board may cause any sick or infected person to be removed to such hospital or place, if it can be done without danger to his health; otherwise the house or place in which he remains shall be considered as a hospital, and all persons residing in or in any way connected therewith shall be subject to the regulations of the said board, and, if necessary, persons in the neighborhood may be removed. When the board of health of a city or town shall deem it necessary in the interest of the public health to require a resident wage-earner to remain within such house or place, or otherwise to interfere with the following of his employment, he shall receive from such city or town during the period of his restraint compensation to the extent of three fourths of his regular wages: *provided, however,* that the amount so received shall not exceed two dollars for each working day.

Proviso.

Approved May 24, 1907.

AN ACT RELATIVE TO THE CONSTRUCTION OF STATE HIGHWAYS BY THE MASSACHUSETTS HIGHWAY COMMISSION. *Chap. 446*

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts highway commission is hereby authorized to expend during the years nineteen hundred and eight, nineteen hundred and nine, nineteen hundred and ten, nineteen hundred and eleven and nineteen hundred and twelve, a sum not exceeding two million five hundred thousand dollars for the construction of state highways. Of this sum not more than five hundred thousand dollars shall be expended in any one year: *provided*, *however*, that an unexpended balance in any year may be used in the succeeding year for the same purpose.

Construction of state highways.

Proviso.

SECTION 2. For the purpose of meeting the expenditures hereby authorized, the treasurer and receiver general is hereby empowered, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding two million five hundred thousand dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually. They shall be designated on their face, State Highway Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth; and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. They shall be sold at public auction, or disposed of in such other manner, at such times and prices, in such amounts and at such rates of interest, not exceeding the rate above specified, as shall be deemed best, but none of said bonds shall be sold at less than the par value thereof. The sinking fund established by chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four shall also be maintained for the purpose of providing for the payment of the securities issued under authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of the said securities. The amount necessary to meet the

State Highway Loan.

Sinking fund.

annual sinking fund requirements and to pay the interest on said securities shall be raised by taxation from year to year. Instead of providing a sinking fund as aforesaid, the treasurer and receiver general may, with the approval of the governor and council, provide for the payment of said loan as it falls due and the interest thereon by such annual proportionate payments as will extinguish the same at maturity, and the amount of such annual payments shall be raised annually by taxation in the same manner in which other state taxes are assessed and collected, without further legislation.

SECTION 3. This act shall take effect upon its passage.

Approved May 24, 1907.

Chap. 447 AN ACT RELATIVE TO THE COMPROMISE OF QUESTIONS ARISING UNDER WILLS AND TRUSTS, AND IN THE ADMINISTRATION OF ESTATES.

Be it enacted, etc., as follows:

R. L. 148, § 14,
amended.

Executors,
etc., may,
under au-
thority of the
supreme
judicial court,
compromise
controversies
between
claimants, etc.

SECTION 1. Chapter one hundred and forty-eight of the Revised Laws is hereby amended by striking out section fourteen and inserting in place thereof the following: — *Section 14.* The supreme judicial court or the probate court may authorize an executor, administrator, guardian, conservator or trustee to adjust by arbitration or compromise any controversy or question as to the administration or distribution of the estate in his possession, or as to his accounting therefor, or as to any matter relating to said estate, or as to the construction of a will or trust created by a written instrument, or as to his power and authority thereunder, or as to any controversy growing out of said will or instrument that may arise between him and any other person or the guardian or conservator of any person interested under said will or instrument or in said estate, or between claimants or the guardians or conservators of claimants to said estate, to which arbitration or compromise in the form of an agreement in writing, such executor, administrator, guardian, conservator or trustee, and all other persons in being and of full age and not under guardianship and the guardian or conservator, if any, of all other persons who claim a vested interest in said estate, whose interests will, in the opinion of the court, be affected by the proposed arbitration or compro-

mise, shall be parties. An award or compromise made in writing in such a case, if found by the court to be just and reasonable in its effects upon the interests of minors and persons under guardianship or conservatorship, and upon any future contingent interests in said estate, shall, when approved by the court, be valid and binding upon all such interests and upon the original parties to said agreement, and a decree shall be entered accordingly. If the court finds that any minor or person without legal capacity or under guardianship, or any future contingent interests may be affected, it may appoint some person or persons to represent such minor or person without legal capacity or under guardianship, or future contingent interests in such controversy, question, administration or account upon such conditions as to costs as it may order.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1907.

AN ACT RELATIVE TO RECOVERY OF DAMAGES BY ABUTTERS ON LOCATIONS OF ELECTRIC RAILROADS.

Chap. 448

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and sixteen of the acts of the year nineteen hundred and six is hereby amended by adding the following sections at the end of said chapter, under the heading F: —

1906, 516,
amended.

F.

Section 28. The location, construction, maintenance, or operation of said lines of railroad in so far as the same are located longitudinally upon an elevated structure upon a public way or place shall be deemed an additional servitude, and shall entitle lessees, mortgagees and other parties having an estate in such public ways or places, or in premises which abut thereon, and who are damaged by reason of the location, construction, maintenance and operation of said lines of railroad, to recover reasonable compensation in the manner herein provided. Any such person may, at any time within three years after the construction of such railroad longitudinally upon a public way or place, file in the clerk's office of the superior court for the county where the said premises lie, a petition setting forth his claim against the corporation owning or

Location, construction, etc., of certain lines of railroad to be deemed an additional servitude, etc.

operating the same, and the amount thereof. He shall give to said corporation fourteen days' notice of the filing of such petition, and answer thereto shall be filed by said corporation within thirty days after the return day of such notice. *Section 29.* The said petition shall be heard before a jury, if either party claims that right at the time of the filing of the petition, or within ten days after the filing of the answer thereto; otherwise, the same shall be heard before the court without a jury. The finding shall be on the following questions, to wit: First, Has the petitioner's estate been damaged more than it has been benefited or improved in value by reason of the location, construction, maintenance or operation of such railroad? Second, If so, how much? If the answer to the first question shall be "No", a verdict shall be rendered for the corporation; otherwise, a verdict shall be rendered for the petitioner for the amount found in answer to the second question, including interest from the day of the filing of the petition.

Petition to be heard before a jury in certain cases, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1907.

Chap. 449 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A ZOÖLOGICAL GARDEN IN THE MIDDLESEX FELS RESERVATION.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan park commission is hereby authorized to set apart a suitable tract of land within the limits of the Middlesex Fells reservation, so-called, with sufficient approaches thereto, for a zoölogical garden, and to allow the Massachusetts Zoölogical Society the use of the same, rent free, subject to such rules and regulations as the said commission may establish.

A zoölogical garden to be established in the Middlesex Fells reservation.

SECTION 2. The Massachusetts Zoölogical Society is hereby authorized to establish and maintain upon the land set apart in accordance with the provisions of section one hereof, a zoölogical garden for the purposes for which said corporation was established.

The Massachusetts Zoölogical Society to maintain the reservation.

SECTION 3. This act shall take effect upon its passage.

Approved May 24, 1907.

AN ACT RELATIVE TO THE CONSTRUCTION OF SCHOOLHOUSES *Chap. 450*
IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Boston shall annually, and as soon after the first of the year as may be practicable, designate in which of the school districts of the city additional school accommodations are necessary, and shall indicate the approximate number of additional pupils for which provision should be made in each of said school districts, naming the school districts in the order in which, in its opinion, provision should be made for additional accommodations therein from the funds which may become available during that year under the provisions of section two of this act. The secretary of the school committee shall notify the board of schoolhouse commissioners of the city of the action taken by the school committee, as aforesaid, and the board of schoolhouse commissioners shall within one month thereafter certify in writing to the school committee the amount which in its opinion will be required for additional accommodations in each of the school districts specified, including land therefor, taking up the items in the order designated by the school committee and continuing until the aggregate of said amount is equal to the limit of the amount which may be provided during the year under the provision of section two of this act. When bonds are authorized to be issued under section two of this act, the amount so authorized shall be set aside for the school accommodations specified by the school committee under this section, taking up each item in the order designated by the school committee and setting aside for that item the amount certified by the schoolhouse commission as necessary therefor, and so continuing until the amount authorized is exhausted; but any amount so set aside for an item may be used for providing other school accommodations if the school committee and the school house commissioners of the city, by a concurrent vote, authorize such other use thereof to be made.

Construction of schoolhouses in the city of Boston.

SECTION 2. For the purpose of meeting the expense of constructing and furnishing high and elementary school buildings in the city of Boston, of enlarging high and elementary school buildings in said city so as to provide additional school accommodations, of acquiring land as sites

Issue of bonds.

for said buildings and additions and as yards therefor, and of preparing such yards for use, the city treasurer of the city of Boston shall issue and sell negotiable bonds of the city to the amount determined to be necessary by the school committee, but such amount shall not exceed one million dollars in each of the years nineteen hundred and seven and nineteen hundred and eight, and in any year thereafter shall not exceed five hundred thousand dollars. Said bonds shall be payable in a period of years not exceeding twenty, at a rate of interest not exceeding four per cent per annum. The orders of the school committee determining the amount of said bonds which the city treasurer is to issue shall be presented to the mayor for his approval or disapproval, and the same proceedings shall be had in relation thereto as are now prescribed by law in regard to other orders of said school committee involving the expenditure of money: *provided*, that if in either or both of the years nineteen hundred and seven and nineteen hundred and eight the amount of bonds so authorized to be issued exceeds seven hundred and fifty thousand dollars the amount authorized in excess thereof shall not be reckoned in determining the statutory limit of indebtedness of the city. The proceeds of said bonds, to the amounts determined as aforesaid, shall be expended by the board of schoolhouse commissioners of the city in accordance with the provisions of this act and of chapter four hundred and seventy-three of the acts of the year nineteen hundred and one and of any amendments thereto.

Proviso.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved May 24, 1907.

Chap. 451 AN ACT TO PROVIDE FOR ADDITIONAL MEMBERS OF THE BOILER INSPECTION DEPARTMENT OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

Additional members of the boiler inspection department of the district police, appointment, etc.

SECTION 1. The governor is hereby authorized and directed to appoint five additional members of the boiler inspection department of the district police, who shall be licensed engineers having not less than five years' experience, and who shall be not above forty-five years of age. The said age limit shall apply hereafter to all new appoint-

ments in said boiler inspection department, but shall not apply to any reappointment therein. The said five additional members shall be detailed for the inspection of boilers and the examination of engineers and firemen, and shall receive the same compensation now received by the present inspectors of boilers. There may be expended from the treasury of the Commonwealth by the chief of the district police a sum not exceeding one thousand dollars for investigation work and for apparatus used in connection with the inspection of steam boilers, and for the maintenance of apparatus used by the boiler inspection department in the examination of engineers and firemen.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1907.

AN ACT RELATIVE TO COLLATERAL INHERITANCE TAXES.

Chap. 452

Be it enacted, etc., as follows:

SECTION 1. Whenever a tax is payable under chapter fifteen of the Revised Laws, or acts in amendment thereof or in addition thereto, upon a legacy or devise, and by the terms of the will the tax is payable from the residue of the estate or from any source other than such legacy or devise, the tax shall be calculated and paid upon the appraised value of the property bequeathed or devised, or, if it be a money legacy, on the amount of the legacy as specified in the will, without increase or addition of any kind on account of such direction that the tax shall be payable from the residue or otherwise.

Collateral inheritance taxes.

SECTION 2. The provisions of this act shall apply to all cases in which the said tax remains unpaid at the date of the passage hereof.

To apply to taxes remaining unpaid.

SECTION 3. This act shall take effect upon its passage.

Approved May 24, 1907.

AN ACT TO PROVIDE FOR THE ISSUE OF SPECIAL PRECEPTS BY CLERKS OF COURTS UNDER CERTAIN PROVISIONS.

Chap. 453

Be it enacted, etc., as follows:

SECTION 1. Section eighty of chapter one hundred and sixty-seven of the Revised Laws is hereby amended by inserting after the word "process", in the eleventh line, the words: — Except in the county of Suffolk, a clerk of such

R. L. 167, § 80, amended.

Attachments
during
pendency of
suit.

court may, under the same conditions, order such attachment of the property of the defendant, — so as to read as follows: — *Section 80.* At any time during the pendency of an action, suit, libel, petition or other proceeding at law or in equity, upon the commencement of which an arrest or attachment is authorized by law, the court or trial justice for cause may, on motion ex parte, order such arrest of the defendant or such attachment of his property by the trustee process or otherwise to secure the judgment or decree which the plaintiff may obtain in said cause; but no arrest of the defendant shall be authorized unless the plaintiff or a person in his behalf makes affidavit and proves to the satisfaction of the court or trial justice the same facts as are required to be proved to authorize an arrest on mesne process. Except in the county of Suffolk, a clerk of such court may, under the same conditions, order such attachment of the property of the defendant. Such arrest or attachment shall be subject to all the provisions of law relative to arrest and attachment upon mesne process, so far as applicable.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1907.

Chap.454 AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE CIVIL SERVICE COMMISSION.

Be it enacted, etc., as follows:

Secretary of
the civil ser-
vice commis-
sion, salary.
Repeal.

SECTION 1. The annual salary of the secretary of the civil service commission shall be three thousand dollars.

SECTION 2. So much of section two of chapter nineteen of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 24, 1907.

Chap.455 AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO SUPPLY WATER TO THE INHABITANTS OF THE TOWN OF DIGHTON.

Be it enacted, etc., as follows:

The city of
Taunton may
supply the
town of
Dighton with
water, etc.

SECTION 1. The city of Taunton may supply the inhabitants of the town of Dighton with water for the extinguishment of fires and for domestic and other purposes, and may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways

and public or private ways, and along any such ways in the town of Dighton in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all purposes of this act, the city of Taunton may enter upon and dig up any such lands and ways: *provided, however*, that the said city shall not enter upon or dig up any public ways in the town of Dighton, except with the consent of the selectmen thereof; and the city of Taunton shall restore to the satisfaction of the selectmen of the town of Dighton the public ways dug up or otherwise disturbed in said town, and shall pay all damages to property sustained by any person or corporation by any act or neglect of the city of Taunton, its agents or employees, in digging up, entering upon or otherwise disturbing any lands, or public or private ways within said town, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount thereof, may have them determined in the manner provided by law in the case of land taken for the laying out of highways, on making application at any time within two years after the taking of any property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said two years.

Proviso.

Damages.

SECTION 2. The city of Taunton may distribute water through the town of Dighton or any part thereof, and may regulate the use of such water and fix and collect rates for the use of the same; and the town of Dighton may make such contracts with the city of Taunton for water for extinguishing fires and for other purposes as may be agreed upon between said town and the city of Taunton; and the said city may establish and maintain fountains and hydrants in the said town and may relocate or discontinue the same.

Distribution of water, etc.

SECTION 3. Said town shall raise annually, in the manner provided in the following section, a sum sufficient to pay the city of Taunton such annual sums as shall be stipulated by said city in the contract between said city and said town, for hydrant rentals or for water for extinguishing fires and other purposes as provided in section two.

Payments to be made annually.

Assessments.

SECTION 4. The assessors of said town shall annually, in accordance with the preceding section, assess a separate tax equal to the amount provided for in the above section, justly and equitably, in proportion to the particular benefits to each estate, upon all taxable property contained within zones or belts extending one thousand feet on each side from the centre of any public, private or other way in which pipes or other structures for the conveyance of water have been laid, and are in use under the provisions of this act, so that said zones shall be two thousand feet wide, and in length the said zones shall extend along the said ways respectively to a point five hundred feet beyond the last hydrant or other fixture on any such way from which water can be drawn for extinguishing fires. Any person or corporation aggrieved by reason of the refusal of the assessors to abate a tax levied under this act shall have the same right of appeal to the county commissioners or to the superior court for an abatement as now exists for any town tax. The tax above provided for shall be collected in the same manner in which town taxes are collected.

The town of
Dighton may
acquire the
right of the
city of
Taunton
within the
town, etc.

SECTION 5. The town shall have the right at any time after it shall have been authorized to supply itself and its inhabitants with water, and shall have voted so to do, to take or acquire by purchase or otherwise the property and all the rights and privileges of the city within said town, on payment to the city of the actual cost of its works and property of all kinds held under the provisions of this act at the time of such purchase or taking. The city shall keep a separate account of the cost and construction expenses of its plant within the town, which account shall be open to the selectmen or to any committee appointed for the purpose by the town. In case the town shall have voted to supply with water that portion of the town which is supplied by said city it shall purchase said works, property, rights and privileges. If said town cannot agree with said city upon the amount of the actual cost thereof upon the basis hereinbefore specified, then, upon a bill in equity brought either by the city or by the town, the supreme judicial court shall ascertain and fix said total actual cost upon the basis hereinbefore specified, and shall enforce the right of the town to take possession of said property, rights and privileges, upon the payment of such cost to the city, and shall enforce the obligation of the

town to purchase said property, rights and privileges and to pay said city the cost thereof as so ascertained.

SECTION 6. This act shall take effect upon its passage, but shall become void unless the city of Taunton shall begin to distribute water through its pipes to consumers in the town of Dighton within three years after the passage of this act.

When to take effect.

Approved May 27, 1907.

AN ACT MAKING AN APPROPRIATION FOR THE RENTAL AND MAINTENANCE OF CERTAIN ARMORIES FOR THE MILITIA.

Chap. 456

Be it enacted, etc., as follows:

SECTION 1. The sum of seventeen thousand and nineteen dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment to certain cities and towns of amounts due for rental and maintenance of armories of the third class for the year nineteen hundred and six, as provided for by chapter five hundred and four of the acts of the year nineteen hundred and six.

Appropriation for rental, etc., of armories.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1907.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 457

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to wit: —

Appropriations.

For printing the report of the joint special committee appointed to revise, consolidate and arrange the general laws relating to the observance of the Lord's day, as authorized by chapter forty-two of the resolves of the present year, a sum not exceeding forty-eight dollars.

Compensation of committee on laws relative to Lord's day.

For certain improvements at the Lyman school for boys, as authorized by chapter forty-three of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Lyman school for boys.

For the New England Industrial School for Deaf Mutes, as authorized by chapter forty-four of the resolves

New England Industrial School for Deaf Mutes.

of the present year, the sum of thirty-five hundred dollars.

Manual of laws concerning charities.

For preparing and publishing a manual of laws concerning the charities of the Commonwealth, as authorized by chapter forty-five of the resolves of the present year, a sum not exceeding five hundred dollars.

Jamestown ter-centennial exposition.

For the Jamestown ter-centennial exposition, as authorized by chapter forty-six of the resolves of the present year, a sum not exceeding ten thousand dollars, the same to be in addition to any sum heretofore appropriated for this purpose.

Louis Benjamin Smith.

For Louis Benjamin Smith, as authorized by chapter forty-seven of the resolves of the present year, the sum of twenty-five hundred dollars.

Richard H. Hanson.

For Richard H. Hanson, as authorized by chapter sixty of the resolves of the present year, the sum of one hundred and fifty dollars.

Printing report of commission on relief of consumptives.

For printing the report of the commission to investigate measures for the relief of consumptives, as authorized by chapter sixty-two of the resolves of the present year, a sum not exceeding one hundred and twenty-five dollars.

Safeguard in the Merrimac river.

For expenses relative to a safeguard in the Merrimac river in the city of Lawrence, as authorized by chapter sixty-three of the resolves of the present year, a sum not exceeding one hundred dollars.

State board of charity, expenses.

For expenses of the state board of charity, including travelling and other necessary expenses of the members, and salaries and expenses in the board's central office, to carry out the provisions of chapter two hundred and seventy-one of the acts of the present year, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Secretary of the Commonwealth, salary.

For the salary of the secretary of the Commonwealth, as authorized by chapter two hundred and seventy-six of the acts of the present year, the sum of fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Auditor of accounts, salary.

For the salary of the auditor of accounts, as authorized by chapter two hundred and seventy-six of the acts of the present year, the sum of fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Additional associate justices of the

For the salaries and travelling expenses of the additional associate justices of the superior court, as provided for by

chapter two hundred and eighty-six of the acts of the present year, a sum not exceeding eighty-four hundred dollars, the same to be in addition to any sum heretofore appropriated for this purpose.

superior court,
salaries, etc.

For the New Bedford Textile School, as authorized by chapter sixty-six of the resolves of the present year, the sum of eighteen thousand dollars.

New Bedford
Textile
School.

For the Bradford Durfee Textile School of Fall River, as authorized by chapter sixty-seven of the resolves of the present year, the sum of fifteen thousand dollars.

Bradford
Durfee Textile
School of
Fall River.

For the Lowell Textile School, as authorized by chapter sixty-eight of the resolves of the present year, the sum of twenty-nine thousand dollars.

Lowell Textile
School.

To provide for the ventilation of the laboratories and class rooms of the Lowell Textile School, as authorized by chapter sixty-nine of the resolves of the present year, the sum of fifty-eight hundred forty-three dollars and sixty-eight cents.

Ventilation of
laboratories,
etc., Lowell
Textile School.

For Adam J. Rausch of Lawrence, as authorized by chapter seventy of the resolves of the present year, the sum of two thousand dollars.

Adam J.
Rausch.

For Hugh Armstrong of Lowell, as authorized by chapter seventy-one of the resolves of the present year, the sum of five hundred dollars.

Hugh
Armstrong.

To provide for the enforcement of the fish and game laws, as authorized by chapter seventy-two of the resolves of the present year, a sum not exceeding sixty-four hundred dollars.

Enforcement
of fish and
game laws.

For printing additional copies of the official opinions of the attorney-general, as authorized by chapter seventy-three of the resolves of the present year, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Printing the
official
opinions of the
attorney-
general.

For the purchase of full dress uniforms for the militia, as authorized by chapter seventy-four of the resolves of the present year, a sum not exceeding ninety-seven thousand five hundred dollars.

Uniforms for
the militia.

For printing additional copies of the report of the commission on industrial education, as authorized by chapter seventy-five of the resolves of the present year, a sum not exceeding thirty dollars.

Printing
report of the
commission
on industrial
education.

To provide for the enlargement of the hospital for lepers on Penikese island, as authorized by chapter seventy-six of

Enlargement
of the hospital
for lepers.

the resolves of the present year, a sum not exceeding eighty-five hundred dollars.

Clerk of the senate, salary.

For the salary of Henry D. Coolidge, clerk of the senate, as authorized by chapter three hundred and four of the acts of the present year, the sum of four hundred fifty-eight dollars and thirty-four cents, the same to be in addition to any amount heretofore appropriated as salary for the clerk of the senate.

Clerk of the house of representatives, salary.

For the salary of James W. Kimball, clerk of the house of representatives, as authorized by chapter three hundred and four of the acts of the present year, the sum of four hundred fifty-eight dollars and thirty-four cents, the same to be in addition to any amount heretofore appropriated for the salary of the clerk of the house of representatives.

Stocking great ponds.

For expenses in connection with the stocking of great ponds with food fish, as authorized by chapter three hundred and six of the acts of the present year, a sum not exceeding five hundred dollars.

Expenses of state nursery inspectors.

For compensation and expenses of state nursery inspectors, as authorized by chapter three hundred and twenty-one of the acts of the present year, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Civil service commissioners, salaries.

For the salaries of the civil service commissioners, as authorized by chapter three hundred and forty-four of the acts of the present year, a sum not exceeding five hundred and forty-five dollars, the same to be in addition to the appropriation heretofore authorized for the compensation of the civil service commissioners.

Messengers of the sergeant-at-arms, salaries.

For the salaries of the messengers of the sergeant-at-arms, as authorized by chapter three hundred and fifty-nine of the acts of the present year, the sum of one hundred eighty-three dollars and thirty-four cents, the same to be in addition to any amount heretofore appropriated for this purpose.

Secretary of state board of health, salary.

For the salary of the secretary of the state board of health, as authorized by chapter three hundred and sixty-four of the acts of the present year, the sum of five hundred seventy-eight dollars and thirty-four cents, the same to be in addition to any amount heretofore appropriated for this purpose.

Expenses of the governor and council.

For travelling and contingent expenses of the governor and council, a sum not exceeding fifteen hundred dollars,

the same to be in addition to any amount heretofore appropriated for this purpose.

For the purchase of histories of regiments, batteries and other military organizations of the Massachusetts volunteers who served in the civil war, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Regimental histories, etc.

For expenses in connection with smallpox and other diseases dangerous to the public health, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Smallpox and other contagious diseases.

For travelling, clerical and other necessary expenses of the commissioner of public records, a sum not exceeding four hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Commissioner of public records, expenses.

For the compensation of the porters at the state house, as authorized by chapter three hundred and eighty-four of the acts of the present year, a sum not exceeding eight hundred and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

State house porters, compensation.

For expenses in connection with the preservation of the old provincial state house in the city of Boston, as authorized by chapter three hundred and eighty-five of the acts of the present year, a sum not exceeding seventy-five hundred dollars.

Preservation of the old state house.

For printing additional copies of the report on the birds of the Commonwealth, as authorized by chapter seventy-seven of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Printing report on birds of the Commonwealth.

For rental and maintenance of armories of the third class, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Rental, etc., of armories.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1907.

AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN VETERANS
IN THE SERVICE OF THE COMMONWEALTH.

Chap. 458

Be it enacted, etc., as follows:

SECTION 1. A veteran of the civil war in the service of the Commonwealth, if incapacitated for active duty, shall be retired from active service, with the consent of the gov-

Retirement of certain veterans of the civil war.

ernor, at one half the rate of compensation paid to him when in active service, to be paid out of the treasury of the Commonwealth: *provided*, that no veteran shall be entitled to be retired under the provisions of this act unless he shall have been in the service of the Commonwealth at least ten years. But if, in the opinion of the governor and council, any veteran of the civil war in said service is incapacitated to such a degree as to render his retirement necessary for the good of the service, he may so be retired at any time. A veteran retired under the provisions of this act, whose term of service was for a fixed number of years, shall be entitled to the benefits of the act without reappointment.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1907.

Chap.459 AN ACT TO ESTABLISH THE SALARY OF THE DEPUTY SHERIFF IN CHARGE OF THE SUPERIOR COURT FOR CRIMINAL BUSINESS FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Deputy
sheriff, Suffolk
county, salary.

SECTION 1. The salary of the deputy sheriff in charge of the superior court for criminal business for the county of Suffolk shall be two thousand dollars a year, to be so allowed from the first day of January in the year nineteen hundred and seven.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 28, 1907.

Chap.460 AN ACT TO PROHIBIT FALSE MARKING OF ARTICLES MADE WHOLLY OR PARTLY OF GOLD, ALLOY OF GOLD OR ANY METAL RESEMBLING GOLD.

Be it enacted, etc., as follows:

Prohibiting
false marking
of articles
made of gold,
etc.

SECTION 1. It shall be unlawful to make or sell, or offer for sale or dispose of, or have in one's possession with intent to sell or dispose of, any article constructed in whole or in part of gold or alloy of gold, or of any metal resembling gold, having marked thereon or upon any tag or label attached thereto, or upon any package, cover or wrapper in which such article is enclosed or wrapped, any word or mark indicating or designed or intended to indicate that the gold or alloy of gold in said article, or in the

plating, surface or any other part of said article is of a greater degree or carat of fineness by more than one carat than the actual quality or fineness of such gold or alloy of gold; or any so-called gold-filled, rolled gold plated or electro gold plated article having marked thereon, or upon any tag or label attached thereto, or upon any package, cover or wrapper in which such article is enclosed or wrapped, any word or mark indicating or designed or intended to indicate that the gold or alloy of gold upon such article is of a greater percentage of weight of the article by more than one per cent than the actual percentage of gold or alloy of gold.

SECTION 2. The word or mark upon the article or upon the tag or label attached thereto, or upon the package, cover or wrapper in which such article is enclosed shall be held to apply to the whole article, all the gold, alloys, solder and base metals being assayed as one piece, unless the word or mark plainly indicates that it applies to the plating, surface, or other particular part or parts of such article.

Tags or
wrappers.

SECTION 3. Any violation of this act shall be punished by a fine not exceeding five hundred dollars for each offence.

Penalty.

SECTION 4. This act shall take effect one year after its passage.

When to take
effect.

Approved May 28, 1907.

AN ACT TO PROVIDE FOR MAINTAINING AND OPERATING THE
HIGHWAY BRIDGE ACROSS SAUGUS RIVER BETWEEN THE CITY
OF LYNN AND THE TOWN OF SAUGUS.

Chap. 461

Be it enacted, etc., as follows:

The expense of maintaining and operating the highway bridge across Saugus river, between the city of Lynn and the town of Saugus, shall in the first instance be paid out of the treasury of the county of Essex. The county commissioners of the county of Essex shall have full control of the bridge, and shall annually in the month of November submit to the treasurer of said city a true statement of the expense of said maintenance and operation; and within thirty days thereafter the said city shall pay into the treasury of the county of Essex sixty per cent of said expense, and if the said city shall neglect or refuse to pay its proportion, the said commissioners shall, after a notice to the

Maintenance,
etc., of high-
way bridge
across the
Saugus river.

city, issue a warrant for its proportion, determined as aforesaid, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the treasury of said county, to be applied in payment of the expense aforesaid: *provided, however*, that nothing herein shall apply to that part of the said bridge which is owned and occupied by the Boston and Northern Street Railway Company for street railway purposes, nor shall it relieve the said company from maintaining and operating the same.

Approved May 28, 1907.

Chap. 462 AN ACT TO ENLARGE THE POWERS OF RADCLIFFE COLLEGE TO TAKE AND HOLD PROPERTY.

Be it enacted, etc., as follows:

Powers of
Radcliffe
College
enlarged.

SECTION 1. Radcliffe College may accept, receive and take, by gift, grant, devise or otherwise, and may hold any real and personal estate within or without the Commonwealth to an amount not exceeding five million dollars, and may sell and dispose at its discretion of any real or personal estate within or without the Commonwealth which has been or may hereafter be given, granted or devised to it, or which is held by it and not expressly forbidden to be so sold or disposed of by the terms of the gift, grant, devise or receipt thereof: *provided, however*, that nothing herein contained shall be construed to give to said corporation any greater exemption from taxation than it now has under the constitution and laws of the Commonwealth.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1907.

Chap. 463 AN ACT RELATIVE TO THE LICENSING OF THEATRES AND PUBLIC HALLS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Licensing of
theatres, etc.,
in the city of
Boston.

SECTION 1. In Boston the mayor shall be the officer to issue licenses for theatres and public halls, and he may require such changes in the structural condition of any building before issuing a license, as, in his opinion, the public safety requires, but no changes shall be ordered in excess of the statutory requirements then in force for a new building of like character. Whoever is aggrieved by any order or decision of the mayor in respect to changes that he may require in the structural condition of any

building before issuing a license as aforesaid shall have the right of appeal to the board of appeals established by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two, or to any similar or succeeding board of appeals which may hereafter be established for the city of Boston. Said board on receipt of the appeal shall within five days thereafter examine the premises and hear the parties and render a decision in writing within ten days after such hearing, and the majority of the board shall decide whether the whole or a part of the order or requirement made by the mayor in respect to structural changes shall be complied with, or whether a license for said building shall be issued; and the mayor shall make his order or requirement in respect of structural changes and the issuing of said license conform to the decision of said board. If the mayor has granted a license as aforesaid he shall not revoke or suspend the same except by giving five days' written notice to the licensee of his intention so to do, and his reasons therefor, and if the licensee is aggrieved by said notice of revocation and said reasons he may appeal to the board of appeals, who shall within five days from date of his appeal examine the premises and hear the parties, and render a decision in writing within three days after such hearing; and the majority of the board shall decide whether the license shall be revoked, and the mayor shall make his action conform to the decision of the board and shall not revoke the same without the approval of the board.

Appeal may be made to the board of appeals.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1907.

AN ACT RELATIVE TO THE CONSTRUCTION OF SEWERS AND DRAINS BY CERTAIN CITIES AND TOWNS.

Chap. 464

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter three hundred and eighty-three of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "town", in the first line, the words:—except the city of Boston,—so as to read as follows:—*Section 3.* Any city or town, except the city of Boston, using any metropolitan sewer may, in any year, and shall in any year specified by the officer or board having charge of said sewers, expend

1903. 383. § 3, amended.

Branch intercepting sewers may be constructed, etc.

one twentieth of one per cent of its taxable valuation, to be met by loan outside the debt limit, in the construction, in connection with said sewers, of branch intercepting sewers, connections of existing sewers with intercepting sewers, branch drains, sewers or drains in any street where one thereof only shall have been built, and the necessary connections aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1907.

Chap. 465 AN ACT RELATIVE TO THE OPERATION AND INSPECTION OF STEAM BOILERS.

Be it enacted, etc., as follows:

Operation and inspection of steam boilers.

SECTION 1. All steam boilers and their appurtenances, except boilers of railroad locomotives, motor road vehicles, boilers in private residences, boilers in public buildings and in apartment houses used solely for heating, and carrying pressures not exceeding fifteen pounds per square inch, and having less than four square feet of grate surface, boilers of not more than three horse power, boilers used for horticultural and agricultural purposes exclusively, and boilers under the jurisdiction of the United States, shall be thoroughly inspected internally and externally at intervals of not over one year, and shall not be operated at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned, which pressure is to be ascertained by rules established by the board of boiler rules, to be appointed as hereinafter provided; and shall be equipped with such appliances to insure safety of operation as shall be prescribed by said board. All such boilers installed after January first, nineteen hundred and eight, shall be so inspected when installed. No certificate of inspection shall be granted on any boiler installed after May first, nineteen hundred and eight, which does not conform to the rules of construction formulated by the board of boiler rules.

Annual report to be made to the chief of the district police.

SECTION 2. Whoever owns, or uses or causes to be used, any such boiler, unless the same is under the periodically guaranteed inspection of insurance companies authorized to insure boilers in this Commonwealth, shall annually report to the chief of the district police the location of such boiler.

SECTION 3. All such boilers shall also be inspected externally at least once each year when in operation, and it shall be the duty of the inspector to observe the pressure of steam carried, and the general condition of each boiler, and to ascertain if the safety valve, and the appliances for indicating the pressure of steam and level of water in the boiler, are in proper working order. No person shall remove or tamper with any safety appliance prescribed by the board of boiler rules, and no person shall in any manner load the safety valve to a greater pressure than that allowed by the certificate of inspection.

Annual inspection to be made, etc.

SECTION 4. The inspection of boilers and appurtenances shall be made by the boiler inspection department of the district police, under the supervision of the chief inspector of boilers, or by inspectors of such insurance companies as have complied with the laws of the Commonwealth and are authorized to insure steam boilers. Inspectors of boilers in the boiler inspection department hereafter appointed shall not be subject to the rules of the civil service commission requiring members of the district police to be of a certain height and weight, but shall be appointed solely on the basis of their ability and competency properly and thoroughly to inspect steam boilers.

Inspections, by whom made.

Inspectors not subject to civil service rules.

SECTION 5. No person shall act as an inspector of boilers which are under the periodically guaranteed inspection of companies that have complied with the laws of this Commonwealth, unless he holds a certificate of competency as hereinafter provided.

No person to act as inspector unless he holds a certificate, etc.

SECTION 6. Whoever desires to act as an inspector of boilers, as specified in section five, shall make application upon blanks to be furnished by the chief of the district police. Three members of the boiler inspection department shall act as a board of examiners. The application shall show the total experience of the applicant and shall be accompanied by a letter of request for his examination from the boiler insurance company by whom he is or is to be employed. Wilful falsification in the matter of any statement contained in the application shall be deemed sufficient cause for the revocation of said certificate at any time. The applicant shall be examined as to his knowledge of the construction, installation, maintenance and repair of steam boilers and their appendages, and, if found competent, he shall receive a certificate of competency to

Application for appointment to be made upon blank forms.

Revocation of appointment.

Examination, etc.

inspect steam boilers for the boiler insurance company by whom he is or is to be employed, and the certificate shall continue in force during his employment by said company, unless revoked for incompetency or untrustworthiness. When a person ceases to be employed as an inspector by a boiler insurance company the insurance company shall notify the chief of the district police of the matter, giving the reasons therefor. A period of ninety days shall elapse between the dates of examinations, except in the case of an appeal as hereinafter provided. The certificate of competency shall be revoked for the incompetence or untrustworthiness of the holder thereof, and shall remain revoked until a new certificate is issued. If a certificate is lost by fire or other cause a new certificate shall be issued in its place, upon satisfactory proof of such loss, without re-examination.

When certificate is revoked appeal may be made, etc.

SECTION 7. A person who is refused a certificate of competency, or whose certificate is revoked, may appeal from such decision to the chief of the district police, who shall grant a rehearing of the case by a board of five examiners, no one of whom shall have acted as an examiner in the former instance, whose decision shall be final if approved by the chief of the district police. The applicant shall have the privilege of having one representative of the boiler insurance company by whom he is or is to be employed present during an examination or the hearing of an appeal.

Authority to insure steam boilers may be revoked, etc.

SECTION 8. Any steam boiler insurance company which issues a certificate of inspection signed by an inspector who does not hold a certificate of competency may have its authority to insure steam boilers revoked by the commissioner of insurance for the Commonwealth. Any person in the employ of a steam boiler insurance company who applies for a certificate of competency as an inspector of boilers before this act takes effect shall be authorized to inspect boilers until his application is passed upon by the proper authority.

Reports of inspections.

SECTION 9. The inspectors of the boiler inspection department of the district police shall make reports of all inspections and shall make such recommendations to the chief inspector of boilers as they may deem expedient.

Reports to be forwarded to the chief inspector.

SECTION 10. Every insurance company authorized to insure steam boilers within the Commonwealth shall for-

ward to the chief inspector of boilers, within fourteen days after each internal and external inspection of boilers herein required to be inspected, reports of all boilers so inspected by it. Such reports shall be made on blanks furnished by the chief inspector of boilers, and shall contain all orders made by the company regarding the boilers so inspected.

SECTION 11. Every boiler insurance company shall report immediately to the chief inspector of boilers the name of the owner or user and the location of every boiler herein required to be inspected, upon which they have cancelled or refused insurance, giving the reasons for so doing.

Name of owner or user of boiler to be reported.

SECTION 12. Boilers and their appurtenances used exclusively for heating purposes, but which are not herein required to be inspected, shall be provided with such appliances to insure safety as shall be prescribed by the board of boiler rules, and it shall be the duty of the boiler inspection department to inspect such boilers upon application of the owner.

Safety appliances.

SECTION 13. The owner or user of a boiler herein required to be inspected which is not insured by a boiler insurance company, shall, after due notice, prepare the boiler for internal and external inspection, at the appointed time, by drawing the water from the boiler and removing the manhole and handhole plates. The boiler inspection department shall give the owner at least fourteen days' notice to prepare boilers for this inspection, but shall not be required to give notice of external inspection.

Boilers to be prepared for inspection.

SECTION 14. The owner or user of a boiler inspected by the boiler inspection department shall pay to the inspector five dollars for each boiler internally and externally inspected, and two dollars for each visit for external inspection. The inspector shall give receipts for the same, and shall pay all sums so received to the chief inspector of boilers, who shall pay the same to the treasurer of the Commonwealth.

Expenses of inspection.

SECTION 15. If, upon inspection the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, he shall issue to the owner or user thereof a certificate of inspection stating the maximum pressure at which the boiler may be operated, as ascertained by the rules established by the board of boiler rules, and thereupon such owner or user may operate the boiler mentioned in the certificate. If the inspector finds

Certificate of inspection to be issued.

that the boiler is not in safe working condition, or is not provided with fittings necessary to safety, or if the fittings are improperly arranged, he shall withhold his certificate until the boiler and its fittings are put in a condition to insure safety of operation, and the owner or user shall not operate the boiler, or cause it to be operated, until such certificate has been granted.

Boilers to be numbered, etc.

SECTION 16. Every boiler which has been inspected by the boiler inspection department shall be numbered either by stamping the number upon the boiler or by attaching a numbered metal tag by a seal or otherwise to the boiler or its fittings. No person except a member of the boiler inspection department shall deface or remove any such number or tag.

Certificates of inspection, etc.

SECTION 17. Insurance companies engaged in the business of inspecting and insuring steam boilers shall, after each internal and external inspection, if they deem the boiler to be in safe working condition, issue a certificate of inspection stating the maximum pressure at which the boiler may be operated. This maximum pressure shall be determined under the rules established by the board of boiler rules.

Term of policy of insurance.

SECTION 18. No insurance company shall issue a policy of insurance on a steam boiler for a longer period than three years. If a boiler is insured which has not previously been inspected externally and internally and a certificate of inspection issued, the company so insuring shall forthwith notify the chief of the boiler inspection department of the district police to that effect, and shall inspect such boiler internally and externally within one month after the insurance is effected. No insurance shall be effected on any boiler installed after May first, nineteen hundred and eight, which does not conform to the rules of construction formulated by the board of boiler rules.

Form of certificate.

SECTION 19. The certificate of inspection issued by the boiler inspection department, or by an insurance company, shall state the name of the owner or user, the location, size and number of the boiler, the date of inspection and the maximum pressure at which the boiler may be operated, under the signature of the person who made the inspection, and shall also contain such quotations from the statutes as shall be deemed necessary by the board of boiler rules, and shall so be placed as to be easily read in the engine room or

boiler room of the plant where the boiler is located, except that the certificate of inspection for a portable boiler shall be kept on the premises and shall be accessible at all times.

SECTION 20. No person shall use, or cause to be used, a steam boiler, excepting boilers upon motor road vehicles, steam fire engines, boilers in private residences, or boilers under the jurisdiction of the United States, unless it is provided with a fusible safety plug made of lead or some other equally fusible material, as specified by the rules to be established by the board of boiler rules.

Safety
appliance.

SECTION 21. The owner or user of any boiler herein required to be inspected shall immediately notify the boiler inspection department, if the boiler is being operated under the inspection of that department, or the insurance company, if it is being operated under its inspection, in case a defect affecting the safety of the boiler is discovered.

Cases of
defects in
boiler to be
reported.

SECTION 22. If the insurance on any boiler herein required to be inspected expires, or is cancelled because the insurers deem it unsafe to continue the operation of the boiler, the owner or user shall cease to operate it until it has been put in a safe condition, satisfactory to the insurers, or has been inspected by the boiler inspection department and a certificate of inspection has been issued.

When insur-
ance is
cancelled the
owner or user
shall cease to
operate boiler.

SECTION 23. If, in the judgment of the inspector or of the insurance company, it is advisable to apply a hydrostatic pressure test to a boiler, the owner or user shall prepare the boiler for such test, as directed by the inspector or by the insurance company.

Tests.

SECTION 24. The governor, within thirty days after the passage of this act, with the consent of the council, shall appoint a board of five persons, to be known as the Board of Boiler Rules, of whom the last four shall be appointed to serve as follows: — Two for a term of two years each and two for a term of three years each. At the expiration of their terms of office their successors shall be appointed for terms of three years each. The members of the board, other than the chairman hereinafter designated, shall receive for their services the first year in office the sum of five hundred dollars each. Thereafter they shall receive as compensation for their services and reimbursement for their expenses such amount as the governor and council shall order, not exceeding in the aggregate in any one year the sum of one thousand dollars. The board shall

Board of
Boiler Rules,
appointment,
etc.

be constituted as follows:— The chief inspector of the boiler inspection department of the district police, who shall be its chairman; one member representing the boiler using interests; one member representing the boiler manufacturing interests; one member representing the boiler insurance interests; and one member who is an operating engineer.

Clerk, appointment, etc.

SECTION 25. The chief inspector of boilers of the boiler inspection department of the district police shall appoint a clerk, who shall be a stenographer, and who shall also act as secretary of the board of boiler rules, and whose salary shall be twelve hundred dollars a year. The necessary expenses of the board, including those of the secretary of the board, incurred in the discharge of their duty during the first year, shall be paid out of the treasury of the Commonwealth, but shall not exceed the sum of fifteen hundred dollars for that year. The attorney-general of the Commonwealth shall furnish all needed assistance to the board in the framing of the rules hereinafter provided for.

Rules to be formulated.

SECTION 26. It shall be the duty of the board of boiler rules to formulate rules for the construction, installation and inspection of steam boilers, and for ascertaining the safe working pressure to be carried on said boilers, to prescribe tests, if they deem it necessary, to ascertain the qualities of materials used in the construction of boilers; to formulate rules regulating the construction and sizes of safety valves for boilers of different sizes and pressures, the construction, use and location of fusible safety plugs, appliances for indicating the pressure of steam and the level of water in the boiler, and such other appliances as the board may deem necessary to safety in operating steam boilers; and to make a standard form of certificate of inspection.

Rules to be approved by the governor.

SECTION 27. The rules so formulated shall be submitted to the governor for his approval, and when approved shall have the force of law, and shall be printed and furnished to those requesting them by the boiler inspection department.

Enforcement of provisions.

SECTION 28. The boiler inspection department of the district police shall enforce the provisions of the preceding sections, and such rules as shall be promulgated by the board of boiler rules with the approval of the governor. Whoever violates any provision of this act or of the said

rules shall be punished by a fine of not less than twenty nor more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. A trial justice shall have jurisdiction of complaints for violation of the provisions of this act, and in such cases may impose a fine of not more than fifty dollars. All members of the boiler inspection department of the district police shall have authority in the pursuance of their duty to enter any premises on which a boiler is situated, and any person who hinders or prevents or attempts to prevent any member of the boiler inspection department from so entering shall be liable to the penalty specified in this section.

SECTION 29. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 30. The last sentence of section four, and sections twenty-four to twenty-seven, inclusive, shall take effect upon the passage of this act. In all other respects the act shall take effect on the first day of October in the year nineteen hundred and seven. But inspectors employed by boiler insurance companies may be examined, and certificates of competency as provided in sections six and seven may be granted at any time after the passage of this act. When to take effect.

Approved May 29, 1907.

AN ACT TO PROVIDE FOR ADVANCING MONEY TO THE DISBURS- Chap. 466
ING OFFICERS OF CERTAIN STATE INSTITUTIONS.

Be it enacted, etc., as follows:

SECTION 1. Officers who are authorized to expend money in behalf of the Commonwealth may have money advanced to them from the treasury not exceeding at any one time the following amounts:— The warden of the state prison, three thousand dollars, upon giving a bond in the sum of four thousand dollars, with sufficient sureties, payable to and approved by the treasurer and receiver general; the superintendent of the Massachusetts reformatory, three thousand dollars, upon giving a bond in the sum of four thousand dollars, with sufficient sureties, payable to and approved by the treasurer and receiver general; the superintendent of the state farm, three thousand dollars, upon giving a bond in the sum of four thousand dollars, with sufficient sureties, payable to and approved by Advances of money to be made to officers of certain institutions.

the treasurer and receiver general; the superintendent of the state hospital, three thousand dollars, upon giving a bond in the sum of four thousand dollars, with sufficient sureties, payable to and approved by the treasurer and receiver general; and the superintendent of the reformatory prison for women, two thousand dollars, upon giving a bond in the sum of three thousand dollars, with sufficient sureties, payable to and approved by the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1907.

Chap. 467 AN ACT TO AUTHORIZE THE STATE BOARD OF HEALTH TO DELEGATE CERTAIN AUTHORITY TO BOARDS OF HEALTH, WATER BOARDS AND WATER COMMISSIONERS IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

R. L. 75, § 113,
amended.

SECTION 1. Section one hundred and thirteen of chapter seventy-five of the Revised Laws is hereby amended by adding thereto the following: — Said board may delegate the granting and withholding of any permit required by such rules or regulations to state boards and commissions and to selectmen in towns and to boards of health, water boards and water commissioners in cities and towns, to be exercised by such selectmen, boards and commissions, subject to such recommendation and direction as shall be given from time to time by the state board of health; and upon complaint of any person interested said board shall investigate the granting or withholding of any such permit and make such orders relative thereto as it may deem necessary for the protection of the public health, — so as to read as follows: — *Section 113.* Said board may cause examinations of such waters to be made to ascertain their purity and fitness for domestic use or their liability to impair the interests of the public or of persons lawfully using them or to imperil the public health. It may make rules and regulations to prevent the pollution and to secure the sanitary protection, of all such waters as are used as sources of water supply. Said board may delegate the granting and withholding of any permit required by such rules or regulations to state boards and commissions and to selectmen in towns and to boards of health, water boards and water commissioners in cities and towns, to be exercised by such selectmen, boards and commissions, subject to such recom-

Examination
of water
supplies.

mentation and direction as shall be given from time to time by the state board of health; and upon complaint of any person interested said board shall investigate the granting or withholding of any such permit and make such orders relative thereto as it may deem necessary for the protection of the public health.

SECTION 2. This act shall take effect upon its passage.

Approved May 29, 1907.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS *Chap.468*
ON ELECTION DAYS.

Be it enacted, etc., as follows:

Section six of chapter eleven of the Revised Laws is hereby amended by striking out the words "guests duly registered therein", in the tenth line, and inserting in place thereof the words:— persons who have resorted to his inn for food or lodging, — so as to read as follows:—

R. L. 11, § 6,
amended.

Section 6. No common victualler having a license of the first, second or third class for the sale of intoxicating liquors and no person, other than a wholesale druggist, having a license therefor of the fourth or fifth class shall sell, give away or deliver on the licensed premises any such liquors on the day on which a state, city or annual town election is held in the city or town in which such premises are situated; and no innkeeper having a license for the sale of intoxicating liquors shall, on the day of any such election, sell, give away or deliver in his inn any such liquors to other than persons who have resorted to his inn for food or lodging; but the provisions of this section shall not apply, in case of an election held in a city on a day other than that of the annual city election therein, to wards in which no election is held.

Sale of intoxicating liquors.

Approved May 31, 1907.

AN ACT TO REGULATE THE LEASE AND SALE OF MACHINERY, *Chap.469*
TOOLS, IMPLEMENTS AND APPLIANCES.

Be it enacted, etc., as follows:

SECTION 1. No person, firm, corporation or association shall insert in or make it a condition or provision of any sale or lease of any tool, implement, appliance or machinery that the purchaser or lessee thereof shall not buy, lease or use machinery, tools, implements or appliances or material

Conditions for sale or lease of machinery, etc.

or merchandise of any person, firm, corporation or association other than such vendor, or lessor; but this provision shall not impair the right, if any, of the vendor or lessor of any tool, implement, appliance or machinery protected by a lawful patent right vested in such vendor or lessor to require by virtue of such patent right the vendee or lessee to purchase or lease from such vendor or lessor such component and constituent parts of said tool, implement, appliance or machinery as the vendee or lessee may thereafter require during the continuance of such patent right: *provided*, that nothing in this act shall be construed to prohibit the appointment of agents or sole agents to sell or lease machinery, tools, implements or appliances.

Proviso.

Penalty.

SECTION 2. Any person, firm, corporation or association, or the agent of any such person, firm, corporation or association, that violates the provisions of this act shall be punished for each offence by a fine not exceeding five thousand dollars.

Sales or leases to be void in certain cases.

All leases, sales or agreements therefor hereafter made in violation of any of the provisions of this act shall be void as to any and all of the terms or conditions thereof in violation of said provisions. *Approved June 1, 1907.*

Chap.470 AN ACT TO AUTHORIZE THE TOWN OF PROVINCETOWN TO RAISE AND APPROPRIATE MONEY FOR CELEBRATING THE LAYING OF THE CORNER STONE OF THE PILGRIM MEMORIAL MONUMENT.

Be it enacted, etc., as follows:

The town of Provincetown may raise money to celebrate the laying of the corner stone of the Cape Cod Pilgrim Monument.

SECTION 1. The town of Provincetown is hereby authorized to raise by taxation the sum of two thousand dollars, to be expended in celebrating the laying of the corner stone of a monument to be erected in Provincetown during the year nineteen hundred and seven and to be known as the Cape Cod Pilgrim Monument.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1907.

Chap.471 AN ACT RELATIVE TO CERTAIN FRATERNAL BENEFICIARY CORPORATIONS.

Be it enacted, etc., as follows:

R. L. 119, § 13, amended.

SECTION 1. Section thirteen of chapter one hundred and nineteen of the Revised Laws is hereby amended by inserting after the words "Mortality Tables", in the

twenty-third line, the words: — except corporations whose liability for indemnity depends entirely upon death or disability resulting from external accidental causes, — so as to read as follows: — *Section 13.* A fraternal beneficiary corporation organized under the laws of another state of the United States or of the Dominion of Canada or a province thereof and paying only disability and death benefits may be admitted to do the business defined in this chapter if it files with the insurance commissioner a duly certified copy of its charter and agreement of association, and a copy of its constitution and by-laws certified to by its secretary or corresponding officer, with the appointment of such commissioner as the person upon whom process shall be served as provided in section four of chapter one hundred and twenty-six, and a statement under oath of the president and secretary in the form required by such commissioner of its business for the preceding year, if such corporation shall be shown to be authorized or permitted to do business in the state, dominion or province in which it is incorporated or organized, and if similar corporations organized under the laws of this Commonwealth are authorized to do business in such state, dominion or province. No such corporation which was not doing business in this Commonwealth on the twenty-third day of May in the year nineteen hundred and one shall hereafter be admitted to do such business in this Commonwealth unless it shall have adopted and have in force mortuary assessment rates which are not lower than those then indicated as necessary by the “National Fraternal Congress Mortality Tables”, except corporations whose liability for indemnity depends entirely upon death or disability resulting from external accidental causes. If any other state, the Dominion of Canada or a province thereof shall impose any obligation in excess of the obligations imposed by the provisions of this chapter upon any such corporation of this Commonwealth, like obligation shall be imposed on similar corporations of such state, dominion or province doing business in this Commonwealth. The transaction of the business defined in this chapter by any corporation, association, partnership or individuals, unless organized, continuing or admitted as provided herein, is forbidden. A corporation heretofore admitted to do business in this Commonwealth under the corresponding provisions of earlier laws

Fraternal
beneficiary
corporations.

may continue such business without being readmitted, but shall otherwise be subject to the provisions of this chapter.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1907.

Chap.472 AN ACT RELATIVE TO AGENTS OF FRATERNAL BENEFICIARY CORPORATIONS.

Be it enacted, etc., as follows:

R. L. 119, § 16,
amended.

Agents
regulated.

Section sixteen of chapter one hundred and nineteen of the Revised Laws is hereby amended by inserting after the word "order", in the tenth line, the word: —, clergy, — so as to read as follows: — *Section 16.* No corporation organized or transacting business under the provisions of this chapter shall employ paid agents in soliciting or procuring business; but corporations which transact business as fraternal societies on the lodge system may employ organizers in the preliminary organization of local branches, and members, as officers or deputies, to assist members of weak and inactive local branches to increase their membership, if their compensation does not depend upon and is not affected by such increase, and corporations which limit their certificate holders to a particular order, clergy or fraternity may employ and pay members for securing new members, and any corporation may pay local collectors. Whoever solicits membership for, or in any manner assists in procuring membership in, or aids in the transaction of business for, a corporation or organization not authorized to do business in this Commonwealth, shall be punished as provided in section twenty-one of this chapter. A corporation organized or transacting business under or as defined in this chapter shall, within two months after the adoption by it of an amendment to its by-laws, file with the insurance commissioner a copy thereof, setting forth such amendment distinctly and clearly, and this copy shall be certified by its recording officer.

Approved June 4, 1907.

Chap.473 AN ACT RELATIVE TO THE SALARY OF THE STATE FORESTER AND TO EXPENDITURES BY HIM.

Be it enacted, etc., as follows:

1904, 409, § 1,
amended.

SECTION 1. Section one of chapter four hundred and nine of the acts of the year nineteen hundred and four is hereby amended by striking out the word "two", in

the third line, and inserting in place thereof the word: — three, — so as to read as follows: — *Section 1.* The governor, with the advice and consent of the council, shall appoint an officer to be known as the state forester, who shall receive an annual salary of three thousand dollars. He shall be a trained forester who has had a technical education. He shall serve for the term of one year, unless removed for cause by the governor and council, or until his successor has been appointed and has qualified for office. The term of his office shall begin on the first day of July. The state forester shall be, ex officio, a member of the state board of agriculture.

State forester,
appointment,
etc.

SECTION 2. Section six of said chapter is hereby amended by striking out the words “A sum not exceeding five thousand dollars”, in the first line, and inserting in place thereof the words: — Such sums as the general court shall authorize, — so as to read as follows: — *Section 6.* Such sums as the general court shall authorize may be expended annually by the state forester, with the approval of the governor and council, in carrying out the provisions of this act.

1904, 409, § 6,
amended.

Amount to be
expended.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1907.

AN ACT TO PROVIDE FOR ESTABLISHING THREE SANATORIUMS
FOR TUBERCULAR PATIENTS.

Chap. 474

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint a board of nine persons, one of whom shall be a representative of the state board of charity, another of the state board of health, and three shall be members of the board of trustees of the sanatorium at Rutland, whose duty shall be to select and purchase sites, approve plans, make contracts, select superintendents, and supervise the construction of three sanatoriums for tubercular patients, each sanatorium to have accommodations for not less than one hundred and fifty patients, and for the necessary officers, employees and attendants, and to provide for the equipment and furnishing of said buildings, one to be located in northeastern Massachusetts, another to be located in southeastern Massachusetts and the third in the Connecticut valley. When the said sanatoriums have been completed, and the gov-

Establishment
of sanatoriums
for tubercular
patients.

ernor has issued a proclamation declaring them ready for the admission of patients as hereinafter provided, the representatives of the board of charity, and of the board of health designated above, shall cease to act, and the administration of the three sanatoriums shall be vested in the remaining seven, who shall act as a board of trustees.

Terms of
office of
trustees, etc.

SECTION 2. The members of said board shall hold office, two for the term of five years, two for the term of four years, one for the term of three years, one for the term of two years and one for the term of one year, beginning with the second Monday in June in the year nineteen hundred and seven, and until their respective successors are appointed and qualified. In the years nineteen hundred and eleven and nineteen hundred and twelve, and in every fifth year thereafter, two members shall be appointed, and in every other year one member shall be appointed. Each member shall hold office for the term of five years, beginning with the second Monday in June in the year of his appointment. The governor may, with the advice and consent of the council, remove any member of said board, and may appoint any person to fill for the unexpired term any vacancy occurring by resignation or removal, or for any other cause.

Lands not to
be taken for
highways, etc.

SECTION 3. The lands held by said trustees in trust for the Commonwealth for the use of said sanatoriums as hereinafter provided shall not be taken for a highway, railway or railroad without leave of the legislature specially obtained.

Trustees to be
a corporation.

SECTION 4. The said trustees shall be a corporation for the same purposes for which the trustees of each of the state insane hospitals are made a corporation by section twenty-three of chapter eighty-seven of the Revised Laws.

Expenditures.

SECTION 5. The expenditure for carrying out the purposes of this act shall not exceed three hundred thousand dollars. No expenditure shall be made for the erection of buildings except for plans therefor, until such plans have been approved by the governor and council, and no such approval shall be given unless the governor and council are convinced that the cost of the real estate and the erection of the buildings, and the equipment and furnishing of the same ready for occupancy, will not exceed three hundred thousand dollars. The trustees shall have au-

thority to make all contracts and to employ all agents necessary to carry into effect the provisions of this act.

SECTION 6. Said trustees shall have the same powers and shall be required to perform the same duties in the management and control of said sanatoriums which are vested in and required of the trustees of the various state hospitals under authority of chapter eighty-seven of the Revised Laws.

Powers, etc.,
of trustees.

SECTION 7. When the buildings constructed under the provisions of this act are so far completed that in the opinion of said trustees they may properly be used for the purpose aforesaid, the trustees shall notify the governor, who shall thereupon issue his proclamation establishing the said sanatoriums.

Governor to
be notified
when buildings
are con-
structed.

SECTION 8. The trustees shall receive no compensation for their services, but they shall be reimbursed from the treasury of the Commonwealth for all expenses actually incurred by them in the performance of their official duties.

Compensation
of trustees.

SECTION 9. The trustees may appoint the physicians, assistants and employees necessary for the proper administration of the affairs of said sanatoriums, and may incur all expenses necessary for the maintenance of the same. They may also establish out patient departments, and may disseminate information as to the best methods of combating the disease.

Physicians,
assistants, etc.

SECTION 10. The charges for the support of each inmate in a state sanatorium shall be four dollars a week, and shall be paid quarterly. Such charges for those not having known settlements in the Commonwealth shall be paid by the Commonwealth, and may afterward be recovered by the treasurer and receiver general of the patients, if they are able to pay, or of any person or kindred bound by law to maintain them, or of the place of their settlement subsequently ascertained; but for those having known settlements in this Commonwealth, the charges shall be paid either by the persons bound to pay them, or by the place in which such inmates had their settlement, unless security to the satisfaction of the trustees is given for their support. If any person or place refuses or neglects to pay such charges the treasurer and receiver general may recover the same to the use of the sanatorium, as provided in section seventy-nine of chapter eighty-seven of the Revised Laws. A city or town which pays the charges for the support of

Charges for
support of
inmates.

an inmate of a state sanatorium shall have like rights and remedies to recover the amount thereof, with interest and costs, from the place of his settlement or from such person of sufficient ability, or from any person bound by law to maintain him, as if such charges had been incurred in the ordinary support of such inmate.

Visitation.

SECTION 11. There shall be a thorough visitation of said sanatoriums by two of the trustees thereof monthly, and by a majority of them quarterly, and by the whole board semi-annually, and at, or immediately after, each visitation a written report of the state of the institution shall be drawn up, which shall be presented at the annual meeting to be held between the first day of October and the first day of November. At the annual meeting the trustees shall make a detailed report in the manner required of the trustees of the state insane hospitals, and shall audit the report of the treasurer, which shall be presented at said annual meeting, and shall transmit it with their annual report to the governor and council.

Accounts, etc.

SECTION 12. The accounts and books of the treasurer shall at all times be open to the inspection of the trustees.

Hospitals for
Consumptives
Loan.

SECTION 13. For the purpose of meeting the expenses that may be incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding three hundred thousand dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, shall bear interest, not exceeding four per cent per annum, payable semi-annually on the first days of May and November, shall be designated on the face thereof, Hospitals for Consumptives Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest shall be paid at the times specified therein in gold coin of the United States or its equivalent. The said scrip or certificates of indebtedness shall be sold and disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts, the rate of interest not to exceed the rate above specified, as shall be deemed best by the treasurer and receiver general; but none of said bonds shall be sold at less than the par value thereof.

The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prison and Hospital Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of the securities hereby authorized. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said loan shall be raised by taxation from year to year.

Sinking fund.

SECTION 14. The state board of charity shall have general supervision of said sanatoriums, and shall, when so directed by the governor, assume and exercise the powers of the board of trustees thereof in any matter relating to the management of the same.

Supervision.

SECTION 15. Upon the completion of the sanatoriums as herein provided, the trustees shall assume and exercise all the powers and duties in respect to the sanatorium at Rutland now pertaining to the trustees of that institution, and upon such completion, the powers of the said last named trustees, in respect to the said sanatorium, shall cease.

Upon completion of sanatoriums powers of certain trustees shall cease.

SECTION 16. This act shall take effect upon its passage.

Approved June 4, 1907.

AN ACT RELATIVE TO FOREST WARDENS.

Chap. 475

Be it enacted, etc., as follows:

SECTION 1. Section sixteen of chapter thirty-two of the Revised Laws is hereby amended by striking out the word "Selectmen", in the first line, and inserting in place thereof the words:— The mayor and aldermen in cities and the selectmen in towns, — and by striking out all after the word "appoint", in the second line, and inserting in place thereof the words: — a forest warden, and they shall forthwith give notice of such appointment to the state forester. The appointment of a forest warden shall not take effect unless approved by the state forester, and when so approved notice of the appointment shall be given by the mayor and aldermen or by the selectmen to the person so appointed and approved. Whoever having been duly appointed fails within seven days after the receipt of such

R. L. 32, § 16, amended.

Forest
wardens.

notice to file with the city or town clerk his acceptance or refusal of the office shall, unless excused by the mayor and aldermen or by the selectmen, forfeit ten dollars. Nothing in this act or in any other act shall be construed to prevent the offices of tree warden, selectman, chief of fire department and forest warden from being held by the same person, — so as to read as follows: — *Section 16.* The mayor and aldermen in cities and the selectmen in towns shall annually, in March or April, appoint a forest warden, and they shall forthwith give notice of such appointment to the state forester. The appointment of a forest warden shall not take effect unless approved by the state forester, and when so approved notice of the appointment shall be given by the mayor and aldermen or by the selectmen to the person so appointed and approved. Whoever having been duly appointed fails within seven days after the receipt of such notice to file with the city or town clerk his acceptance or refusal of the office shall, unless excused by the mayor and aldermen or by the selectmen, forfeit ten dollars. Nothing in this act or in any other act shall be construed to prevent the offices of tree warden, selectman, chief of fire department and forest warden from being held by the same person.

Precautions for
preventing
spread of
fires, etc.

SECTION 2. The forest warden shall take precautions to prevent the spread of forest fires and the improper kindling thereof, and shall have sole charge of their extinguishment. He shall investigate the causes and extent of forest fires and the injury done thereby, the values of forest lands, the character and extent of wood-cutting operations, the prevalence of insect pests injurious to forest growth, and other matters affecting the extent and condition of woodlands in his city or town, and shall report thereon to the state forester at such times and in such form as the state forester may require. He shall also post in suitable places in the city or town such warnings against the setting of forest fires and statements of the law relating thereto as may be supplied to him by the state forester. The engineers of fire departments in cities and in towns in which a fire department exists and which have so voted shall perform the duties and exercise the powers of forest wardens with respect to forest fires.

R. L. 32, § 20,
amended.

SECTION 3. Section twenty of said chapter thirty-two is hereby amended by striking out the word "They", in

the first line, and inserting in place thereof the words:—
The forest warden may appoint deputies to assist him in
the performance of his duties and may discharge the same,
and he or his deputies,— and by inserting after the word
“their”, in the third line, the words:—city or,— so as
to read as follows:—*Section 20.* The forest warden may
appoint deputies to assist him in the performance of his
duties and may discharge the same, and he or his deputies
may, if in their judgment there is danger from a forest
fire, employ assistance or require any male person in their
city or town between the ages of eighteen and fifty years
to aid in its extinguishment or prevention, and may require
the use of horses, wagons and other property adapted to
that purpose, and shall keep an account of the time of all
persons assisting them and a schedule of all property so
used.

Forest wardens
may appoint
deputies, etc.

SECTION 4. The state forester shall from moneys annu-
ally appropriated for the expenses of his office recompense
the forest wardens for the time spent by them in making
investigations under his direction according to the provi-
sions of section two of this act: *provided*, that the state
forester shall not be liable to make any such payment
except upon the presentation of a duly itemized account,
or to pay for such investigations at a rate greater than that
of thirty-five cents an hour, or in excess of the appropria-
tion available for such payment.

To be recom-
pensed for
expenses.

Proviso.

SECTION 5. The officials designated as “firewards” or
“forest firewards”, in chapter thirty-two of the Revised
Laws shall hereafter be called Forest Wardens.

Official
designation.

SECTION 6. Forest wardens, their deputies and assist-
ants shall not be liable for trespass while acting in the
reasonable performance of their duties.

Not liable for
trespass.

SECTION 7. Whoever wilfully and maliciously tears
down or destroys any notice posted under the provisions of
section two of this act shall be punished by a fine of ten
dollars.

Penalty.

SECTION 8. The state forester may from moneys appro-
priated annually for the expenses of his office expend a sum
not exceeding two thousand dollars in making necessary
arrangements for conventions of forest wardens and in
paying wholly or in part the travelling expenses to and
from their towns of such forest wardens as attend this
convention: *provided*, that no moneys shall be expended

Expenditures.

Proviso.

under authority of this section in paying the travelling expenses of any one warden to or from more than one convention in any one year; and *provided, further*, that said conventions shall be held at a place within the Commonwealth.

Proviso.
Powers and duties.

SECTION 9. Forest firewards appointed under section sixteen of chapter thirty-two of the Revised Laws and foresters appointed under section fourteen of chapter fifty-three of the Revised Laws before the passage of this act shall between the time of its passage and the expiration of their terms of office perform the duties and have the powers of a forest warden as herein provided.

Repeal.

SECTION 10. Sections seventeen, eighteen and twenty-two of chapter thirty-two of the Revised Laws, and section fourteen of chapter fifty-three of the Revised Laws, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved June 5, 1907.

Chap. 476 AN ACT TO AUTHORIZE THE TOWN OF LINCOLN TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

The town of Lincoln may make an additional water loan.

SECTION 1. The town of Lincoln, for the purpose of extending, improving or maintaining its system of water works, may from time to time issue bonds, notes or scrip to an amount not exceeding twenty-five thousand dollars in addition to the amount which the said town has heretofore been authorized to issue for these purposes. Such bonds, notes or scrip shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest payable semi-annually, at a rate not exceeding four per cent per annum, shall be signed by the treasurer of the town and countersigned by a majority of the selectmen, and may be sold at public auction or at private sale.

Payment of loan.

SECTION 2. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan is extinguished.

SECTION 3. Subject to the requirements of existing statutes the said town shall each year apply the net income and receipts derived from the use of water to the payment of the said interest, and the remainder, if any, of such net income and receipts it shall apply to the payment of the said bonds, notes or scrip; and the amount so applied shall be deducted from the sums which would otherwise be required to be raised by taxation. The provisions of chapter twenty-seven of the Revised Laws, except as otherwise provided herein, shall apply to the issue of the said bonds, notes or scrip.

Payment of interest.

SECTION 4. This act shall take effect upon its passage.

Approved June 5, 1907.

AN ACT TO AUTHORIZE THE BOARD OF PARK COMMISSIONERS OF THE CITY OF LOWELL TO RENT PARTS OF THE SOUTH COMMON IN SAID CITY.

Chap.477

Be it enacted, etc., as follows:

SECTION 1. The board of park commissioners of the city of Lowell are hereby authorized and empowered to rent, for purposes of amusement and recreation, in its discretion, annually, upon the Fourth of July and Labor Day, and the days immediately preceding and following said days, such parts of the South Common in said city, as it may deem proper, for the erection and use of booths, tents, and such other temporary structures as it may deem fit. Any revenue derived from such rentals shall be paid by said board into the treasury of the city.

The city of Lowell to rent parts of the South Common, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1907.

AN ACT TO AUTHORIZE THE TOWN OF MANCHESTER TO TAKE ADDITIONAL SOURCES OF WATER SUPPLY.

Chap.478

Be it enacted, etc., as follows:

SECTION 1. The town of Manchester, for the purpose of providing itself with additional water, may from time to time take or acquire by purchase or otherwise, and hold the waters of Gravel pond and the waters which flow into and from the same in the town of Hamilton and any rights connected therewith. The town of Manchester may hold and convey said waters through the towns of Hamil-

The town of Manchester may take certain waters, etc.

ton and Manchester to one or more connections with its distributing system as now or hereafter established under the provisions of chapter ninety-five of the acts of the year eighteen hundred and ninety-one, and may distribute them through said system. Said town may, in accordance with the provisions of said chapter ninety-five, take or acquire by purchase or otherwise, and hold all lands, rights of way or easements within the towns of Hamilton or Manchester, necessary or desirable for holding, storing, purifying or preserving such waters and for conveying the same to the aforesaid connections with its distributing system; and may erect on any lands thus taken, purchased or held, proper dams, reservoirs, wells, pumping stations, filter beds, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary or desirable for properly carrying out the powers given in this act; and may construct and lay conduits, pipes and other works under or over any lands, water courses, railroads, railways or public or private ways in said towns of Hamilton and Manchester, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act the town of Manchester may enter upon and dig up any such lands, water courses, railroads, railways or public or private ways. But no source of water supply shall be taken under this act for domestic purposes, and no land shall be taken for holding, storing, preserving or purifying such water without the approval of the state board of health.

Title to land,
etc., taken to
vest in the
town.

SECTION 2. The title to all land or easements taken or purchased under the provisions of this act shall vest in the town of Manchester, and such land and all property acquired hereunder shall be managed, improved and controlled by the board of water commissioners of said town in such manner as they shall deem for the best interests of the town, but subject to the provisions of said chapter ninety-five. No entry shall be made upon, and no conduits, pipes or other works shall be laid or constructed upon, any land within the location of any railroad corporation except at such time and in such manner as said town may agree upon with such corporation, or in case

of failure so to agree, as may be approved by the board of railroad commissioners.

SECTION 3. The town of Manchester, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred and twenty-five thousand dollars. Such bonds, notes or scrip shall be signed by the treasurer of the town and countersigned by the water commissioners, shall be denominated on the face thereof, Manchester Water Loan, Act of 1907; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, and shall bear such rate of interest not exceeding four per cent per annum as the town may determine. The town may sell such securities at public or private sale or pledge the same for not less than the par value thereof, for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and shall make payable annually a fixed proportion of the principal of such bonds, notes or scrip, beginning not more than five years after the date of issue. At the time of issuing said loan the town shall provide for raising by taxation the amount necessary to meet the interest and the proportion of the principal which becomes payable annually; and when a vote to that effect has been passed the said amount shall be raised annually by taxation in the same manner in which other taxes are assessed and collected, without further vote or action by the town.

Manchester
Water Loan,
Act of 1907.

Payment of
interest on
loan.

SECTION 4. The supreme judicial court and the superior court shall have jurisdiction in equity to enforce the provisions of this act and of said chapter ninety-five.

Jurisdiction.

SECTION 5. This act shall be construed as in extension of the powers and authority granted by said chapter ninety-five, and said chapter as herein amended and extended, except sections five and six thereof, shall apply to and regulate the rights granted hereby.

Act to be in
extension of
powers already
granted.

SECTION 6. This act shall take effect upon its passage.

Approved June 5, 1907.

*Chap.*479 AN ACT TO AUTHORIZE THE CITY OF LYNN TO ENLARGE AND IMPROVE ITS WATER SUPPLY AND TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

The city of
Lynn may
improve its
water supply,
etc.

SECTION 1. The city of Lynn, for the purpose of enlarging and improving its water supply, is hereby authorized to issue from time to time bonds, notes or scrip, to be denominated on the face thereof, Lynn Water Loan, Act of 1907, to an amount not exceeding three hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for similar purposes, which shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the board of water commissioners and by the mayor of the city. The city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, provided that they shall not be sold for less than the par value thereof.

Payment of
loan.

SECTION 2. The said city shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of the city in each year thereafter in the same manner in which other taxes are assessed until the debt incurred by the loan is extinguished. The city shall also raise annually by taxation a sum which, with the income derived from water rates, will be sufficient to pay the interest as it accrues on the securities issued under authority hereof.

Proceeds of
sale of
securities.

SECTION 3. The proceeds of the sale or pledge of the said securities shall be used for necessary expenditures in connection with the enlargement and development of the water supply system of the city, and for the protection and improvement of the quality of the water; and the city may take, or acquire by purchase or otherwise, and hold for said purposes, any lands, easements or rights of way

necessary for the purposes of this act, and for the purposes aforesaid may erect on any lands purchased, taken or held, proper dams, reservoirs, buildings, conduits, pipes, fixtures, filters or other structures necessary for the said purposes: *provided, however*, that no lands or rights therein shall be purchased, taken or used under this act without the consent of the state board of health, given after notice and a public hearing.

Proviso.

In carrying out the provisions of this act the city of Lynn shall have the authority and be subject to all the duties, restrictions and liabilities set forth in chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy-one and acts in amendment thereof or addition thereto.

Powers and duties.

SECTION 4. The construction of the works necessary for the enlargement and development of the said water supply and for protecting and improving the quality of the water shall be begun by said city, acting through its public water board, within one year, and shall be completed within three years after the passage of this act. The said works shall provide an adequate quantity of good water for all the requirements of the city, for the proper sanitary protection of such water and for the elimination and diversion from the sources of supply of all polluted waters, or for their purification or treatment, in such manner as will fully protect the public health.

When construction of works shall begin, etc.

SECTION 5. The construction of the said works shall be carried out by the public water board of said city, and the board is hereby further authorized and directed to make all necessary preliminary investigations and to prepare plans for the works, and for this purpose shall have power to employ engineering experts as to the sanitary protection, storage, and purification of water, and such other assistance as may be necessary. The preliminary investigations herein authorized shall include: an estimate of the cost of cleansing and making sanitary the watersheds of Pillings pond and Beaver Dam brook, so-called, in the town of Lynnfield, and of the cost of connecting the same with the present sources of water supply, together with an estimate of the amount of increase in the supply of water obtainable by the use of said pond and brook; an estimate of the cost of a conduit or pipe line to convey water from the Ipswich river or Martin's brook either

To be carried out by the water board of the city.

Estimates of cost, etc.

separately or in connection with the water of Pillings pond and Beaver Dam brook into the present reservoirs of the city of Lynn, or for pumping water either from said Ipswich river or said Martin's brook into said Pillings pond or the present reservoirs by the plan deemed by said board to be most advisable; an estimate of the cost of cleaning or covering the bottom of Walden pond and of other ponds now used by the city of Lynn, or such parts of the bottom of Walden pond or the other ponds as have not so been treated; an investigation of the quality of the waters of all of the various sources and tributaries now used or available for the use of said city, with chemical and bacterial examinations thereof, at such points as may be agreed upon by the engineers and experts employed by the Lynn water board and the state board of health, including an investigation of all sources and causes of pollution or objection affecting the present or proposed sources of supply of the city of Lynn, the best methods of removing the same, and the estimated cost thereof.

Surveys and
investigations.

SECTION 6. No act shall be done or liability incurred under this act in enlarging or improving the water supply of the city of Lynn, except in the making of surveys and investigations and the preparation of plans hereby authorized, until plans of the proposed conduits, reservoirs, pipe lines, except distribution pipes, filters or other works necessary to provide an adequate quantity of pure water for the city have been submitted to and approved by the state board of health; and the said plans shall be presented to said board for approval not later than December thirty-first, nineteen hundred and seven, and shall be acted upon by said board on or before the third Wednesday in January in the year nineteen hundred and eight.

SECTION 7. This act shall take effect upon its passage.

Approved June 6, 1907.

Chap.480 AN ACT TO PROVIDE FOR THE COMPULSORY NOTIFICATION AND REGISTRATION OF TUBERCULOSIS AND OTHER DISEASES DANGEROUS TO THE PUBLIC HEALTH.

Be it enacted, etc., as follows:

R. L. 75, §§ 49,
50 and 52, etc.,
amended.

SECTION 1. Sections forty-nine and fifty of chapter seventy-five of the Revised Laws, as amended by chapter two hundred and fifty-one of the acts of the year nine-

teen hundred and five, and section fifty-two of said chapter seventy-five are hereby amended by inserting after the word "disease", wherever it may occur in said sections, the words: — declared by the state board of health to be, — so as to read as follows: — *Section 49.* A householder who knows that a person in his family or house is sick of smallpox, diphtheria, scarlet fever or any other infectious or contagious disease declared by the state board of health to be dangerous to the public health shall forthwith give notice thereof to the board of health of the city or town in which he dwells. Upon the death, recovery or removal of such person, the householder shall disinfect to the satisfaction of the board such rooms of his house and articles therein as, in the opinion of the board, have been exposed to infection or contagion. Should one or both eyes of an infant become inflamed, swollen and red, and show an unnatural discharge at any time within two weeks after its birth, it shall be the duty of the nurse, relative or other attendant having charge of such infant to report in writing within six hours thereafter, to the board of health of the city or town in which the parents of the infant reside, the fact that such inflammation, swelling and redness of the eyes and unnatural discharge exist. On receipt of such report, or of notice of the same symptoms given by a physician as provided by the following section, the board of health shall take such immediate action as it may deem necessary in order that blindness may be prevented. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars. *Section 50.* If a physician knows that a person whom he is called to visit is infected with smallpox, diphtheria, scarlet fever or any other disease declared by the state board of health to be dangerous to the public health, or if one or both eyes of an infant whom or whose mother he is called to visit become inflamed, swollen and red, and show an unnatural discharge within two weeks after the birth of such infant, he shall immediately give notice thereof in writing over his own signature to the selectmen or board of health of the town; and if he refuses or neglects to give such notice, he shall forfeit not less than fifty nor more than two hundred dollars for each offence. *Section 52.* If the board of health of a city or town has had notice of a case of smallpox, diphtheria, scarlet fever or of any other disease

Householder to give notice of certain dangerous diseases.

Physician to give notice, etc.

Local boards to notify state board.

declared by the state board of health to be dangerous to the public health therein, it shall within twenty-four hours thereafter give notice thereof to the state board of health stating the name and the location of the patient so afflicted, and the secretary thereof shall forthwith transmit a copy of such notice to the state board of charity.

SECTION 2. This act shall take effect upon its passage.

Approved June 6, 1907.

Chap.481 AN ACT RELATIVE TO THE INVESTIGATION OF THE FINANCIAL CONDITION OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Investigation
of the financial
condition of
the city of
Boston.

Organization
of commission.

Authority of
commission.

Powers to
cease Decem-
ber 31, 1908.

Right to at-
tend hearings,
etc.

SECTION 1. The commission of seven to consider the financial condition of the city of Boston, appointed under the authority of the city council of the city, which commission consists of one person nominated by each of the following organizations, to wit: — The Boston Chamber of Commerce, The Associated Board of Trade of Boston, The Boston Merchants Association, The Boston Real Estate Exchange, The Boston Clearing House Association, The Boston Central Labor Union, The Citizens' Associations of Boston, is hereby given the following powers: — The authority to summon witnesses and enforce their attendance, to order the production of books, papers, agreements and documents, and to administer oaths in accordance with the provisions of chapter one hundred and seventy-five of the Revised Laws.

SECTION 2. The powers herein granted shall not be exercised by said commission after the thirty-first day of December in the year nineteen hundred and eight.

SECTION 3. Nothing in this act shall be construed as denying to any citizen the right to attend hearings and to volunteer information and testimony under such reasonable regulations as the commission may prescribe.

SECTION 4. This act shall take effect upon its passage.

Approved June 7, 1907.

Chap.482 AN ACT TO PROVIDE FOR AN ADDITIONAL STENOGRAPHER IN THE DETECTIVE DEPARTMENT OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

Stenographer
in detective
department of
district police.

SECTION 1. The chief of the district police may appoint an additional stenographer for service in the detective

department of the district police, at a salary not exceeding one thousand dollars a year.

SECTION 2. This act shall take effect on the first day of December, nineteen hundred and seven. When to take effect.

Approved June 7, 1907.

AN ACT TO AUTHORIZE THE TOWN OF PROVINCETOWN TO SUPPLY ITSELF WITH WATER.

Chap. 483

Be it enacted, etc., as follows:

SECTION 1. The town of Provincetown, for the purpose of supplying itself with water for domestic and other purposes, is hereby authorized to collect the water of the territory lying between Moon Pond Meadow and Highland Light in the town of Truro, including the natural watershed of the said territory, and to sink wells and construct dams, reservoirs and other structures, and to lay pipes and do any other act necessary or convenient for collecting, holding or purifying the said water, and may convey the said water from the said territory by any convenient route, and may establish fountains and hydrants, and relocate or discontinue the same, and may regulate the use of the water and fix and collect rates therefor: *provided*, that no sources of water supply for domestic purposes shall be acquired without the approval of the state board of health. For the said purpose the town may take or acquire by purchase or otherwise any necessary lands, rights of way and easements necessary, and may make excavations, procure and operate machinery, and may do everything necessary for establishing and maintaining a complete system of water works. For the said purpose the town may enter upon and dig up any lands or ways under the direction of the selectmen of the town in which such lands or ways are situated, in such manner as to cause the least possible hindrance to public travel.

Town of Provincetown may supply itself with water, etc.

Proviso.

SECTION 2. The said town shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements aforesaid otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Barnstable a description thereof sufficiently accurate for identification, signed by the water commissioners of said town.

Description of land, etc., taken to be recorded.

SECTION 3. The said town shall pay all damages to property sustained by any person by the taking of any

Damages.

land, right of way, water, water sources or easements, or by any other thing done under this act. Any person sustaining damages as aforesaid, who fails to agree with the town as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for highways, on application at any time within one year after the taking of such land or other property or the doing of other injury under authority of this act, but no application shall be made after the expiration of said one year.

Provincetown
Water Loan,
Act of 1907.

SECTION 4. For the above purpose the town may expend a sum not exceeding fifty thousand dollars, and may issue therefor notes or bonds from time to time to the said amount. Such notes or bonds shall be signed by the treasurer and countersigned by the selectmen, shall be denominated on the face thereof, Provincetown Water Loan, Act of 1907, shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent, and shall be payable at periods not exceeding thirty years from the date thereof.

Payment of
loan.

SECTION 5. At the time of authorizing the said loan the town shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall, without further vote, annually be assessed by the assessors of the town in the same manner in which other taxes are assessed, until the debt is extinguished.

Powers and
duties of
water com-
missioners.

SECTION 6. The water commissioners of the town of Provincetown shall have and exercise in respect to the water system acquired by virtue of this act all the powers and shall perform the duties conferred or imposed upon them by chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-nine.

Water may be
supplied to
the town of
Truro.

SECTION 7. The town of Truro or the inhabitants thereof are authorized to take water from the pipes or reservoirs constructed under authority hereof, upon such terms and subject to such regulations as shall be established by the water commissioners of the town of Provincetown.

Penalty for
corruption of
water.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir,

standpipe, aqueduct, pipe or other property owned or used by said town for the purposes of this act, shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding six months.

SECTION 9. This act shall take effect upon its acceptance by a majority of the voters voting thereon at a town meeting duly called for the purpose within two years after its passage.

When to take effect.

Approved June 7, 1907.

AN ACT RELATIVE TO THE TRUSTEES OF BOSTON UNIVERSITY.

Chap. 484

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and twenty-two of the acts of the year eighteen hundred and sixty-nine is hereby amended by striking out the last sentence, namely, "The number of members shall never be less than ten, nor greater than thirty, and their qualifications and term of service shall be fixed at the first meeting of the corporation", and by inserting in place thereof the following: — The number of members shall never be less than ten, nor greater than fifty, and their qualifications and term of service may be fixed by the corporation, — so as to read as follows: — *Section 1.* Isaac Rich, Lee Clafin, Jacob Sleeper, their associates and successors, are hereby constituted a body corporate by the name of the Trustees of Boston University, and they and their successors, and such as shall be duly elected members of said corporation, shall be and remain a body corporate by that name forever. And for the orderly conducting of the business of said corporation, the said trustees shall have power and authority, from time to time, as occasion may require, to elect a president, vice-president, secretary and treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices; and also to remove any trustee from the said corporation, when in their judgment he shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same, and also to elect new members of said corporation. The number of members shall never

1869, 322, § 1,
amended.

Trustees of
Boston
University
incorporated,
etc.

be less than ten, nor greater than fifty, and their qualifications and term of service may be fixed by the corporation.

SECTION 2. This act shall take effect upon its passage.

Approved June 7, 1907.

Chap. 485 AN ACT RELATIVE TO THE CONSTRUCTION OF SEWERAGE WORKS
WITHIN THE WATERSHED OF THE CHARLES RIVER BASIN BY
THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Construction of
sewerage works
within the
watershed of
the Charles
river basin, etc.

SECTION 1. The city of Boston shall, in the year nineteen hundred and seven, expend one hundred thousand dollars, and in each year for the next five years, expend one twentieth of one per cent of its taxable valuation, to be met by loan outside the debt limit, in the construction of works for the separation of the sewage from the surface or storm water, or other waters as defined by chapter three hundred and eighty-three of the acts of the year nineteen hundred and three, within the watershed of Stony brook and other watershed areas tributary to the Charles river basin above the dam now under construction between Boston and Cambridge. All sewers, drains, channels, pumping stations and other works for the collection or disposal of sewage or surface or ground water in said areas shall be included in the term "sewerage works" as used in this act.

Plans to be
approved, etc.

SECTION 2. No work shall be done under the authority of this act in any district or section within the watershed of Stony brook and the other watershed areas herein described until general plans for the disposal of the sewage and of surface or ground water of that district or section have been presented to and filed with and approved by a board to consist of the chairman of the state board of health, the chairman of the board of health of the city of Boston and the city engineer of said city; and no work shall be done in any part of said Stony brook watershed and the other watersheds herein described except in accordance with plans which have been approved as above provided and in such streets or areas as may be designated in writing by said approving board. The officer or board having charge of the construction of sewerage works in the city of Boston shall first file with the said board a plan showing definitely the existing sewers and drains within the watershed of Stony brook and the other drainage areas

Filing of plan.

herein described, or in such portion of said watersheds and districts as said approving board may from time to time designate, and said officer or board shall, on or before the thirtieth day of November in each year, file with the state board of health a statement and plan for record showing clearly the sewers, drains or other sewerage works which have been constructed within the preceding twelve months.

SECTION 3. The supreme judicial court or any justice thereof, and the superior court or any justice thereof, shall have jurisdiction in equity, on the complaint of the state board of health or of any party in interest, to enforce the provisions of this act and prevent any violation thereof.

Enforcement
of provisions of
the act.

SECTION 4. This act shall take effect upon its passage.

Approved June 7, 1907.

AN ACT RELATIVE TO THE CONSTRUCTION OF A BRIDGE OVER
THE MERRIMAC RIVER IN THE CITY OF LAWRENCE.

Chap. 486

Be it enacted, etc., as follows:

SECTION 1. The commissioners appointed under the authority of chapter five hundred and thirteen of the acts of the year nineteen hundred and six to take steps in respect to the construction of a central bridge with suitable approaches over the Merrimac river in the city of Lawrence at a point between the present Broadway bridge and the Union street bridge, in addition to the powers granted by said chapter are hereby authorized to construct said bridge and the approaches thereto at an expense not exceeding five hundred thousand dollars. The said commissioners are hereby authorized to purchase any lands, rights, easements or other property which they may deem necessary for the said purpose, including the present Boston and Lowell bridge, so-called, and any lands, rights or easements now belonging or appertaining to the Boston and Lowell Railroad Corporation or the Boston and Maine Railroad, or both, on both sides of said Boston and Lowell bridge, so-called, including the terminal of the Boston and Lowell railroad. The said commissioners are hereby further authorized to purchase all, or such part as they may deem necessary, of the lands, rights, or easements located between Essex, Amesbury and Lawrence streets in said Lawrence, including any lands, rights or easements belonging to the Boston and Lowell Railroad Corporation

Construction of
a bridge over
the Merrimac
river in
Lawrence, etc.

Lands, rights,
etc., may be
taken.

Description of
lands, etc.,
taken to be
recorded, etc.

or the Boston and Maine Railroad included within the territory bounded by said streets. In case any lands, rights, or easements are taken under said chapter five hundred and thirteen, the commission shall cause to be recorded in the registry of deeds for the northern district of the county of Essex a statement containing a description of the same, such as is usual in a conveyance of land, and upon such recording the title to such lands, rights, or easements shall vest in the city. In case there shall be purchased under the authority hereof any lands, rights, or easements in land belonging or appertaining in any way to the Boston and Maine Railroad, or the Boston and Lowell Railroad Corporation, the said corporations shall upon such purchase be released from any obligation to maintain a railroad upon such land, or to pay rent or other compensation to any person or corporation for the use of such lands, rights, or easements.

Damages.

SECTION 2. The damages to property sustained by reason of any act done under the authority hereof or under the authority of said chapter five hundred and thirteen shall be assessed as in the case of land taken for highways, and persons aggrieved by such assessment may proceed in the same manner as in the case of land taken for highway purposes at any time within two years after the taking of the land or doing of the act by which the damage was incurred. The expense of constructing the said bridge and of the approaches thereto shall in the first instance be paid by the city of Lawrence. Upon the completion of said bridge and the approaches thereto the county of Essex shall pay into the treasury of the city of Lawrence the sum of one hundred thousand dollars; but in no case shall the county of Essex be bound to pay more than the said amount for the said purpose.

Street railway
location, etc.

SECTION 3. The said commissioners are hereby authorized to grant to a street railway company a location upon said bridge for the construction and maintenance of its track or tracks, and of poles and wires for the operation of its railway thereon, upon such terms and conditions as to the safety and repair of the way as the commissioners shall require. The said street railway company shall pay for the same a sum equal to ten per cent of the cost of said bridge, but not more than the sum of thirty thousand dollars. The said location so granted shall not be revoked,

except by the said commissioners after public notice and a hearing, and no such revocation shall be valid until approved by the board of railroad commissioners. In case the authority to grant the said location to a street railway company is not exercised by the said commissioners, it may be exercised, after their term of office has expired, by the city council of the city of Lawrence, and no grant of a location as aforesaid by the city council shall be revoked, except after public notice and hearing, and no such revocation shall be valid until approved by the board of railroad commissioners.

SECTION 4. For the above purposes the city of Lawrence is hereby authorized to borrow a sum not exceeding three hundred thousand dollars, and to issue therefor notes or bonds, payable at periods not exceeding thirty years from the date thereof, and bearing interest, payable semi-annually, at such rate, not exceeding four per cent, as the city treasurer shall determine. Such notes or bonds shall be signed by the treasurer and countersigned by the mayor, and shall bear on their face the words, Lawrence Central Bridge Loan, Act of 1907. They may be sold upon such terms and conditions as the mayor and city treasurer shall deem best, provided that they shall not be sold for less than their par value. Such notes or bonds shall be issued upon the condition that the city may pay or redeem the same at any time after five years from the date of issue. No purchaser of any of the said notes or bonds shall be responsible for the application of the proceeds. The said sum shall not be reckoned in determining the statutory limit of indebtedness of the city.

Lawrence
Central Bridge
Loan, Act of
1907.

SECTION 5. The city council of said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act, and thereafter, without further action by the city council, the amount required for such payments shall be assessed by the assessors of the city in each year in the same manner in which other taxes are assessed, until the debt incurred by the city is extinguished.

Payment of
loan.

SECTION 6. In order to provide for its share of the expenses to be incurred under the provisions of this act, the county of Essex, acting by the county commissioners, is hereby authorized to borrow a sum not exceeding one

The county of
Essex to bear
part of
expense.

Essex County
Lawrence
Bridge Loan,
Act of 1907.

hundred thousand dollars and to issue notes or bonds therefor. Such notes or bonds shall be payable at periods not exceeding thirty years from the date thereof, shall bear interest payable semi-annually at such rate, not exceeding four per cent per annum, as the county commissioners may determine, shall be signed by the county commissioners, and shall bear on their face the words, Essex County Lawrence Bridge Loan, Act of 1907. They may be sold upon such terms and conditions as the county commissioners may deem expedient, but they shall not be sold for less than their par value. The said notes or bonds shall be issued upon the condition that the county may pay or redeem the same at any time after five years from the date of issue. No purchaser of such notes or bonds shall be responsible for the application of the proceeds. The county commissioners shall at the time of making said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act, and the said amount shall be raised annually by taxation in the same manner in which other county taxes are assessed and collected.

Plans to be
approved by
the railroad
commis-
sioners, etc.

SECTION 7. No work shall be done in the construction of the aforesaid bridge or its approaches until plans therefor have been submitted to and approved by the board of railroad commissioners. Said plans shall not be approved by the board of railroad commissioners until assurances satisfactory to said board have been given by the Boston and Maine Railroad and the Boston and Lowell Railroad Corporation that adequate railroad facilities will be provided to replace those that may be lost or impaired by reason of any act authorized hereby.

SECTION 8. This act shall take effect upon its passage.

Approved June 10, 1907.

Chap. 487 AN ACT RELATIVE TO THE CAPITALIZATION OF TRUST COMPANIES.

Be it enacted, etc., as follows:

R. L. 116, § 5,
amended.

SECTION 1. Section five of chapter one hundred and sixteen of the Revised Laws is hereby amended by striking out the word "five", in the second line, and inserting in place thereof the word: — two, — and by striking out the word "two", in the fourth line, and inserting in place thereof the word: — one, — so as to read as follows: —

Section 5. The capital stock of such corporation shall be not less than two hundred thousand nor more than one million dollars, except that in a city or town whose population is not more than one hundred thousand the capital stock may be not less than one hundred thousand dollars, divided into shares of the par value of one hundred dollars each; and no business shall be transacted by the corporation until the whole amount of its capital stock is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have actually been paid in in cash.

Capital stock,
etc., of trust
companies.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved June 10, 1907.*

Repeal.

AN ACT TO PROVIDE FOR THE DREDGING OF DORCHESTER BAY
BY THE HARBOR AND LAND COMMISSIONERS. *Chap. 488*

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby instructed to dredge Dorchester bay, between Savin Hill and Commercial Point west of the present channel, to a depth not exceeding nine feet at mean low water.

Dredging of
Dorchester
bay.

SECTION 2. The board is hereby authorized to expend, for the purposes of this act, a sum not exceeding twenty-five thousand dollars during the years nineteen hundred and seven, nineteen hundred and eight and nineteen hundred and nine, but not more than eight thousand five hundred dollars shall be expended in any one year.

Expenditures.

SECTION 3. This act shall take effect upon its passage.

Approved June 10, 1907.

AN ACT RELATIVE TO INMATES OF THE MASSACHUSETTS SCHOOL
FOR THE FEEBLE-MINDED. *Chap. 489*

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and nine of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following:—*Section 1.* If an inmate of the Massachusetts School for the Feeble-Minded, whether by commitment or otherwise, shall have reached the limit of school age, or, in the judgment of the trustees, is incapable of being further benefited by school instruction;

1906, 309, § 1,
amended.

Commitment,
etc., of feeble-
minded per-
sons.

or, if the question of the commitment to or continuance in said school of any inmate, including inmates who may have been transferred from one department of said school to another under the provisions of section one hundred and sixteen of chapter eighty-seven of the Revised Laws, is, in the opinion of the trustees and of the state board of insanity, a proper subject for judicial inquiry, the probate court for the county of Middlesex, upon the petition in writing of said trustees, or of said board or of any member of either body, and after such notice as the court may order, may, in its discretion, order such inmate to be brought before the court, and shall determine whether or not he is a feeble-minded person, and may commit him to said school or to either department thereof, or may order him to be discharged therefrom.

Certain powers
of trustees not
impaired.

SECTION 2. This act shall not be construed to impair the power given to said trustees by section one hundred and sixteen of chapter eighty-seven of the Revised Laws to discharge any inmate of said school or of any department thereof.

SECTION 3. This act shall take effect upon its passage.

Approved June 11, 1907.

Chap.490 AN ACT TO PROVIDE FOR THE DISSOLUTION OF CERTAIN LIENS UPON PERSONAL PROPERTY.

Be it enacted, etc., as follows:

Dissolutions of
liens upon
personal prop-
erty, etc.

SECTION 1. A person who owns or has an interest in any personal property upon which a lien has been claimed as hereinafter set forth, may, at any time after a petition is brought for its enforcement and before the property is sold in accordance with law for the satisfaction of said lien, dissolve the lien upon his interest in the whole or any part of said property by giving bond to the person claiming the lien, with sufficient sureties, who shall be approved in writing by the claimant or by his attorney, or by a justice of a police, district or municipal court or by a master in chancery, conditioned to pay to such person within thirty days after the final judgment or order of sale of said property or the interest therein or part thereof for which said bond may be given, an amount fixed as the value of said interest or such part thereof as may be necessary to satisfy the amount for which said interest or part thereof may be subject to said lien. The

property upon which the lien is to be dissolved shall be described in the bond. If the parties do not agree as to the value of the property or of the part to be released from said lien, the value may be determined in accordance with the provisions of sections one hundred and twenty-one and one hundred and twenty-two of chapter one hundred and sixty-seven of the Revised Laws. If the said property, or the part to be released from said lien, consists of books, papers, documents or other similar property and the parties do not agree upon the amount for which said bond shall be given, it may be fixed in like manner at such amount as may be reasonable, giving due consideration to the amount for which said lien is claimed, and upon the delivery of the bond in accordance with the provisions hereof the lien upon the property described therein shall be dissolved. The person claiming a lien upon said personal property shall, upon demand therefor, furnish the person owning or having an interest in said property with a statement of the amount and reasons, or other considerations, for which the lien is claimed.

Dissolution of liens upon personal property, etc.

SECTION 2. This act shall apply to liens claimed by public warehousemen and others upon personal property for storage thereof, by innkeepers, boarding house keepers and lodging house keepers upon the baggage and effects of guests, boarders or lodgers, by stable keepers and others for the boarding, keeping or pasturage of horses or other domestic animals, by agents, consignees and factors for advances, disbursements or expenses upon merchandise, by attorneys at law, upon books, papers, documents or other personal property, and by any other persons for money due to them on account of work and labor, care and diligence, or money expended on or about personal property under a contract express or implied.

Liens to which this act shall apply.

SECTION 3. This act shall take effect upon its passage.

Approved June 12, 1907.

AN ACT RELATIVE TO THE SOLICITOR FOR THE CITY OF CAMBRIDGE.

Chap. 491

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter three hundred and sixty-four of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out the last sentence and inserting in place thereof the words:—

1891, 364, § 20, amended.

Election of
certain officials
by the city of
Cambridge.

In the year nineteen hundred and eight, and every third year thereafter, in the month of April, the city council, by concurrent vote, the board of aldermen acting first, shall elect a solicitor for the city of Cambridge, who shall be a resident citizen of Cambridge and admitted to practise in the courts of the Commonwealth. He shall hold office for three years from the first day of May of that year and until a successor is chosen in his place, and shall be subject to removal at any time by the city council after a hearing, for cause assigned by them, — so as to read as follows:— *Section 20.* The city council shall also annually in the month of February, by concurrent vote, the board of aldermen acting first, elect by ballot a city treasurer, who shall be the collector of taxes, and a city auditor, each of whom shall be sworn to a faithful discharge of his duties, and shall hold his office for one year from the first day of March of that year, and until another shall be chosen and qualified, but may be removed however at the pleasure of the city council. The treasurer and auditor shall deliver up to their respective successors in office as soon as chosen and qualified, or to any person designated by the city council, on their ceasing to fill such office, all books, funds, papers or other things kept or held by them as such officers. In the year nineteen hundred and eight, and every third year thereafter, in the month of April, the city council, by concurrent vote, the board of aldermen acting first, shall elect a solicitor for the city of Cambridge, who shall be a resident citizen of Cambridge and admitted to practise in the courts of the Commonwealth. He shall hold office for three years from the first day of May of that year and until a successor is chosen in his place, and shall be subject to removal at any time by the city council after a hearing, for cause assigned by them.

When to take
effect.

SECTION 2. This act shall be submitted to the qualified voters of the city of Cambridge at the next annual municipal election, and shall take effect upon its acceptance by a majority of the voters present and voting thereon.

Approved June 12, 1907.

AN ACT RELATIVE TO THE PURCHASE BY THE TOWN OF HYDE
PARK OF THE FRANCHISE AND PROPERTY OF THE HYDE PARK
WATER COMPANY. *Chap. 492*

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter ninety-one of the acts of the year eighteen hundred and eighty-four, entitled "An Act to incorporate the Hyde Park Water Company", as amended by chapter one hundred and eighty-six of the acts of the year nineteen hundred and six, is hereby further amended by striking out the words "four hundred and fifty", in the sixth line, and inserting in place thereof the words:—five hundred and fifty,—and by striking out all after the word "proper", in the seventeenth line, and inserting in place thereof the words:—The said town at the time of authorizing said loan shall provide, by vote, for the payment thereof in such annual proportionate payments, beginning not more than five years after the date of the securities issued therefor, as will extinguish the same within thirty years from the date of issue of said bonds, and when a vote to that effect has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished,—so as to read as follows:—*Section 9.* The said town, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate five hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Hyde Park Water Loan"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding four per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such

1884, 91, § 9,
amended.

Hyde Park
Water Loan.

Payment of
loan.

terms and conditions as it may deem proper. The said town at the time of authorizing said loan shall provide, by vote, for the payment thereof in such annual proportionate payments, beginning not more than five years after the date of the securities issued therefor, as will extinguish the same within thirty years from the date of issue of said bonds, and when a vote to that effect has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1907.

Chap. 493 AN ACT RELATIVE TO THE WATER SUPPLY OF THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

The city of
Fall River may
take certain
lands for
protecting its
water supply,
etc.

SECTION 1. Whereas certain lands situate in Fall River, in a section called Indian Town, lying on the easterly side of North Watuppa pond, were conveyed to the province of Massachusetts Bay to be held as an Indian plantation or reservation to the use and occupancy of Indians; and whereas the Commonwealth of Massachusetts has succeeded to the rights and title of the province of the Massachusetts Bay in said lands and may have obtained title to some part thereof by escheat or otherwise; and whereas there are apparently no Indians left on the same, except one family, alleging themselves to be such, namely, the family of Fanny L. Perry, occupying a small part of the land of said reservation; and whereas it is necessary that a part of said Indian reservation be owned and controlled by the city of Fall River for the protection of its water supply, now taken from said North Watuppa pond; it is hereby enacted that the title of the Commonwealth to the parcel of Indian reservation near said pond, and hereafter described be, and the same is, hereby conveyed to the city of Fall River for the protection of the purity of its water supply; namely, a certain tract of land situate in Fall River, in the county of Bristol, bounded and described as follows:—Beginning at a

drill hole in a stone bound set in the ground in the southerly line of Indian Town road, nineteen hundred and nineteen and thirty-seven one hundredths feet easterly from the intersection of said southerly line of Indian Town road with the easterly line of Blossom road; thence running in a southerly direction to a drill hole in a stone bound set in the ground at the northeasterly corner of land of the city of Fall River, recently purchased from Alfred Bridge; thence westerly in line of land of the city of Fall River to land of the city of Fall River and the North Watuppa pond; thence northerly by land of the city of Fall River and said pond to the northerly line of the land of said Indian reservation; thence easterly in said northerly line to the Indian Town road; thence to the point of beginning, containing one hundred and one and seven tenths acres of land, more or less, exclusive of highways crossing said tract.

SECTION 2. The city of Fall River may take in fee simple, by right of eminent domain, the lands above described forming a part of the Indian reservation, for the protection of its water supply, in North Watuppa pond; and if upon a vote of its reservoir commission or of its city council it decides so to do, then it may file and record a statement of such taking in the office of the registry of deeds, in the Fall River district of the county of Bristol, giving a description of the land taken; and may also file a plan of the same, both such statement and plan being duly signed by its mayor; and when such statement and plan are duly signed, filed and recorded as aforesaid, then said described lands shall become and remain the property of the city of Fall River, in fee simple.

Description of
lands taken to
be recorded.

SECTION 3. Any one aggrieved, or entitled to damages, by reason of anything done or authorized by this act may recover the same from the city of Fall River, by filing a petition in the superior court for the county of Bristol, within one year after the date of taking aforesaid. The said damages shall be assessed in the same manner as in the case of land taken for the protection of the water supply of Fall River, as provided in section four of chapter one hundred and fourteen of the acts of the year eighteen hundred and ninety-one; but all sums received by the petitioners or predecessors in title from the Commonwealth or from said city in the way of Indian or

Damages, etc.

other relief; the obligations placed upon said city by section four of this act, or by the general laws relative to the granting of relief, or otherwise applicable to the petitioners; the non-payment of taxes by the petitioners or predecessors in title, or their failure to discharge public obligations or to participate in the support or maintenance of city, county, state or national governments or to contribute to the state whatever was required in any deed relating to said lands, and all other easements, conditions, water and flowage rights connected with said lands, the occupancy or use of said lands; and whatever other matters may be allowed by way of set-off, recoupment, counterclaim or in mitigation of damages, shall be allowed in reduction of damages for the taking of the lands aforesaid. Interest on the sums recovered, at the rate of four per cent per annum, shall run only from the date of the taking; but in case of occupancy after the taking, such interest shall run only from the termination of such occupancy.

The city to discharge certain duties of the Commonwealth, etc.

SECTION 4. The city of Fall River, its successors or assigns, shall maintain and discharge toward the present rightful occupants of the land conveyed or taken as aforesaid all duties that the Commonwealth is lawfully required to perform as the successor of the province of Massachusetts Bay. But said city, if it take the land before described, and if it decide, hereafter, that the houses or other buildings on the parts herein conveyed and authorized to be taken should be removed to a place beyond the area deemed necessary for the protection of the purity of its water supply, shall remove such buildings and all persons thereon and their chattels, at its expense, to such other part of said Indian reservation as may be without such area, and shall make suitable provision in the same buildings or in similar buildings to be used by said occupants for a comfortable dwelling therein, and for safe and reasonable means of access thereto from the highway.

SECTION 5. This act shall take effect upon its passage.

Approved June 12, 1907.

AN ACT RELATIVE TO ARREST FOR VIOLATION OF STATUTES
REGULATING THE CONTROL OF AUTOMOBILES. *Chap.494*

Be it enacted, etc., as follows:

Any person not having in his possession a license to operate an automobile granted by the Massachusetts highway commission who violates any statute, by-law or ordinance relating to the operation or control of automobiles may be arrested without a warrant by an officer authorized to make arrests and kept in custody not more than twenty-four hours, Sunday excepted, at or before the expiration of which time he shall be brought before a proper magistrate and proceeded against according to law.

Arrest for violation of certain statutes.

Approved June 12, 1907.

AN ACT TO EXTEND THE TIME WITHIN WHICH CERTAIN IMPROVEMENTS MAY BE MADE AT DEACON'S POND IN THE TOWN OF FALMOUTH. *Chap.495*

Be it enacted, etc., as follows:

SECTION 1. The time within which expenditures may be made from the treasury of the Commonwealth for improving Deacon's pond in the town of Falmouth, as authorized by chapter four hundred and sixty-one of the acts of the year nineteen hundred and six, is hereby extended for two years, so that twenty-five thousand dollars may be expended in the years nineteen hundred and seven, nineteen hundred and eight, or nineteen hundred and nine.

Time extended for improving Deacon's pond.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1907.

AN ACT RELATIVE TO THE MAINTENANCE OF A HIGH SCHOOL IN THE TOWN OF LEICESTER. *Chap.496*

Be it enacted, etc., as follows:

SECTION 1. The trustees of Leicester Academy and the school committee of the town of Leicester are hereby authorized to enter into an agreement for conducting, according to law, a school in said academy, under the order and superintendence of the authorities of said town, and

Maintenance of a high school in the town of Leicester.

during the term of such agreement or of any renewal thereof the town shall be considered as maintaining a high school.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1907.

Chap. 497 AN ACT TO AUTHORIZE THE BOSTON ELEVATED RAILWAY COMPANY TO CONSTRUCT AN ELEVATED RAILWAY FROM SULLIVAN SQUARE IN THE CITY OF BOSTON THROUGH THE CITIES OF EVERETT AND MALDEN.

Be it enacted, etc., as follows:

Construction of lines of elevated railway through the cities of Everett and Malden.

SECTION 1. The Boston Elevated Railway Company, hereinafter called the company, which term shall be deemed to include its successors and assigns, may construct lines of elevated railway, according to such plans or systems as the board of railroad commissioners, hereinafter called the board, may approve, to be operated by electricity or other motive power except steam, upon the following location, and may equip, maintain and operate engines, motors, trains and cars thereon, to wit:—Beginning at a point in Main street, in Alford street or in land of the company near the existing Sullivan Square terminal station, in that part of Boston formerly called Charlestown; thence through or across public or private ways or lands between Alford street and the tracks of the western division of the Boston and Maine Railroad, or through or across Main and Alford streets, or in part through or over the southwesterly corner of Charlestown playground and within and not more than fifty feet distant from the intersection of the northeasterly side of Main street with the southeasterly side of Alford street, and through or across either of said streets, to Mystic river; thence through Alford street and over Malden bridge and through or across Alford street, through or across Broadway to a point opposite Mystic street, and through or across public or private ways or lands in Boston and Everett between Alford street in Boston and the westerly line of Broadway and Main street on the east and the Malden river on the west; or over Mystic river and through or across public or private ways or lands in Boston and Everett between Alford, Broadway and Main street on the east and Malden river on the west, to the Malden line; thence through or across public or private ways or lands

between the westerly line of Main street in Malden and the tracks of the western division of the Boston and Maine Railroad, to such point or points in Malden, southerly of Pleasant street, as may be convenient for terminals.

Upon private lands, the said elevated railway may be constructed, so far as the company may deem necessary or desirable, near or upon the surface of the ground, with the approval of the board: *provided, however*, that no public street shall be crossed at grade.

Construction may be near or upon the surface of the ground, etc. Proviso.

The company may construct such terminals, branches, spurs, sidings, turn-outs, connections, deflections, switches, extensions and other structures, and such loop lines, in connection with and within the location herein granted, through or across such streets or ways, or private lands, as may be necessary or convenient to turn its trains or to reverse the direction thereof, or to make connections with surface car lines, or for other purposes authorized by this act or by its charter, and may make such convenient changes, extensions and relocations of surface lines owned or controlled by the company, by elevated structure or otherwise, over public or private ways or lands, as may be approved by the board; all of which, with the stations, are hereinafter called appurtenances.

May construct railway across streets or ways, etc.

It may locate and construct stations at convenient points, with suitable exits and approaches to and from the streets and stations, but the same, excepting platforms and approaches thereto from buildings, shall not be located in any public way or place unless such location is approved by the mayor and aldermen or by the board. Before constructing its railroad upon any route granted to it, and before constructing any station in any public way or place, the company shall prepare and file with the mayor of the city in which the route or station is located plans showing the form and method of construction proposed, for his examination and approval as to architectural appearance and obstruction to light and air; and he shall approve or disapprove the same in writing; and if the plans are disapproved by him the company may appeal to the board, who shall decide the matter.

Location of stations, etc.

SECTION 2. The company may lease, purchase or take the fee of public or private lands, except lands of the Commonwealth and of the Boston and Maine Railroad, for the purpose of constructing its railway or terminals, buildings, shops, stations, engine and car houses, and con-

May lease, purchase or take the fee of public or private lands, etc.

Description of
land taken
to be
recorded.

nections with surface railways, and for any purpose necessary for the construction or convenient use by the company or the public of its said railway, and for any purpose authorized by this act or by its charter. To make any taking by right of eminent domain, the company shall cause to be recorded in the registry of deeds for the county in which the land is situated a description of the land taken, as certain as is required in a common conveyance of land, with a statement that the same is taken under authority of this act, signed by a majority of its directors, and the land so described shall, upon such recording, be taken. The company shall at the same time give notice of such taking to the owner of the land taken, if known, but want of such notice shall not affect the validity of the taking, nor extend the time for proceedings for damages.

Damages.

The company shall pay all damages occasioned by the taking of such land, and may agree with any owner of such land upon the amount to be paid as compensation or damages therefor, and if the parties do not agree, the same may be determined by a jury in the superior court for the county in which the land is situated, on petition of the owner or the company filed in the clerk's office before the expiration of two years from the recording of the taking, and judgment shall be entered upon the verdict of the jury, and costs shall be taxed and execution issued in favor of the prevailing party as in other civil cases. The provisions of sections seventeen to twenty-five, inclusive, and of section one hundred and fourteen of chapter forty-eight of the Revised Laws relating to procedure in case of damage to estates in which several parties have different or several interests, shall apply to proceedings in such cases under this act.

The company shall indemnify the cities against all liability for damages arising out of the work herein provided for, upon notice of any claim therefor and opportunity to defend against the same.

Proceeding in
cases where
the route
crosses the
location of a
railroad
company, etc.

SECTION 3. Wherever the route upon which the company is authorized to construct and operate its elevated railway crosses the location or tracks of any railroad company, or the land of the Commonwealth, or tide waters, the crossing shall be made in such manner, and the method of construction shall be such as may be agreed upon be-

tween the directors of such railroad company or the public board or officer having general control of such land or waters and the directors of the company, and if the parties are unable to agree as to the manner of crossing or method of construction at such point, the same shall be determined by the board, upon application of either party; and in case any railroad company or the Commonwealth sustains any damage by reason of such crossing, the same shall be estimated and recovered in the manner provided in section two of this act.

SECTION 4. Within one year after its acceptance of this act, as hereinafter provided, the company shall apply to the board of aldermen of the cities of Boston, Everett and Malden for an elevated railway route over the location herein granted, or in and over such other intervening public or private ways or lands as the mayor and aldermen may approve. If the route so applied for is not approved by the mayor and aldermen within sixty days after the application therefor, the company shall within thirty days after the expiration of said sixty days apply to the board for such approval, and thereupon the board, having in view all public interests shall, after public notice and hearing, finally fix and determine a route. The company shall begin construction of its elevated railway over such route within six months and shall complete the same within three and one half years after it is authorized to begin construction thereof. In the construction, maintenance and operation of the elevated railway and appurtenances provided for by this act, the company shall have the rights, powers and privileges, and be subject to the duties, restrictions and liabilities prescribed in respect of its elevated lines and structures by sections eight, nine, twelve, fifteen and eighteen of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four and sections one, six, eight, ten, sixteen and twenty-one of chapter five hundred of the acts of the year eighteen hundred and ninety-seven, and such railway and appurtenances, when constructed, and its location shall be held by the company by and upon the tenure prescribed in the first clause of section nineteen of said chapter five hundred ending with the words "Public Statutes", and with the same rights, privileges and immunities therein as are provided in either of said acts in respect of its

Application
for a loca-
tion to be
approved, etc.

Rights, etc.,
of the com-
pany, etc.

Proviso.

elevated lines or structures: *provided, however*, that, if by reason of the construction of said elevated structure, it becomes necessary to reconstruct the bridge on Alford street, called Malden bridge, the city of Boston shall not be liable for any part of the expense therefor.

Capital stock
or bonds,
disposal of,
etc.

SECTION 5. The company may from time to time in the manner and subject to the requirements prescribed by law, issue and dispose of such amounts of its capital stock or bonds, or of either at its option, in addition to amounts heretofore authorized, as may be necessary to meet and pay the cost of construction, connection and equipment for use and operation of the railway which it is authorized by this act to construct, and its appurtenances, and the cost of acquisition of any land or lands, and all other expenditures made or incurred by the company under authority of this act.

When to take
effect, etc.

SECTION 6. This act shall take effect upon its acceptance by the board of aldermen, approved by the mayor, of the cities of Everett and Malden, respectively, within one month, and by the company by vote of its board of directors and return thereof, filed in the office of the secretary of the Commonwealth within two months after its passage. If the construction of said railway is delayed by litigation, unforeseen casualty or other cause, the company may apply to the board for extension of the time therefor, and the board, upon notice to the cities of Everett and Malden, and upon hearing and proof that such litigation is not collusive or that such casualty or other cause was not due to the fault of the company, may determine what extension of the time may reasonably be allowed for the completion of the railway, and such further time shall thereupon be allowed therefor.

Compensation
for damages.

SECTION 7. The owners, lessees, mortgagees, and other persons having an estate in any land or premises abutting on any land or rights of way over private land acquired by the company under the provisions of this act, upon which an elevated structure is erected, shall be entitled to reasonable compensation for all damage suffered by them by reason of the location, construction, maintenance, and operation of said railway. Any such person may, at any time within three years after the construction of such railway, file in the clerk's office of the superior court for the

county where his said premises lie a petition setting forth his claim against the said corporation.

He shall give the said corporation fourteen days' notice of the filing of such petition, and an answer thereto shall be filed by the corporation within thirty days from the return day of such notice. Any such petition shall be heard before a jury, if either party claims such right at the time of the filing of the petition or within ten days after the filing of the answer thereto; otherwise, the same shall be heard before a court without a jury. If a verdict shall be rendered for the petitioner, interest shall be included from the day of the filing of the petition.

Notice of filing of petition for damages, etc.

Said corporation shall be subject to the duties and liabilities described in section twelve of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, relative to satisfaction of judgments pursuant to findings under the provisions hereinbefore set forth.

Subject to certain provisions of law.

Approved June 12, 1907.

AN ACT TO PROVIDE FOR A HIGH SCHOOL BUILDING COMMISSION FOR THE CITY OF HAVERHILL.

Chap. 498

Be it enacted, etc., as follows:

SECTION 1. A high school building commission of the city of Haverhill, consisting of any mayor of said city, during his term of office with the same rights and privileges as the other commissioners, and Edwin H. Moulton, Charles K. Fox, Charles H. Croy and William Henry Root, all of said city, is hereby appointed, authorized and directed, in the name and behalf of said city, to erect within a reasonable time, upon the land on the corner of Main and Summer streets in said city purchased or taken by said city for the purpose, a high school building, to cost when ready for occupancy and for purposes incidental thereto a sum not to exceed three hundred and fifty thousand dollars, exclusive of the cost of the land. And said commission is also authorized to purchase or take by right of eminent domain, in the name of said city, such other lands as it may deem necessary for the aforesaid purpose.

High school building commission of the city of Haverhill, etc.

SECTION 2. The said commission shall remain in existence a sufficient time to accomplish the purposes of

Term of service, etc.

this act, and any vacancy therein shall be filled by appointment by the mayor and confirmation by the city council. The commission is hereby authorized in the name and behalf of said city to contest the validity of any and all contracts relating to or concerning the erection or furnishing of said high school building. The commission is hereby authorized in the name and behalf of said city to enter into any and all contracts which it may deem necessary and proper to execute any and all the powers hereby vested in it; and further to abandon any contract heretofore made relating to or involved in the erection or furnishing of said high school building, subject, however, to the payment of whatever is or may be due to any person or persons under such contract. The commission shall annually, and whenever required by the city council, make and present in writing a report of all its acts and proceedings, and of the condition and progress of the work. The members of said commission, except the mayor, who shall serve without pay, shall receive such compensation for services and expenses as the city council shall determine, and shall not be interested individually, either directly or indirectly, in the work hereby to be done.

Report to be made to the city council, etc.

Meetings, etc.

SECTION 3. Said commission may act by a majority of the members thereof at any meeting of which all members shall have reasonable written notice or at which at the time of so acting all members shall be present. The meetings of said commission shall be called by a reasonable notice in writing signed by the mayor or by a majority of said commission, but no notice shall be necessary for a meeting at which all members shall be present.

Amount of expenditures.

SECTION 4. For the purpose of carrying out the work authorized by this act the said city is hereby authorized and directed to contract to expend the balance of the sum raised or to be raised by the sale of the issue of bonds to the amount of two hundred and twenty-five thousand dollars, as authorized by the city council of the said city in the year nineteen hundred and six, which issue is hereby ratified and confirmed; and the said city is further authorized and directed from time to time upon the request of said commission, to borrow by issue of the bonds of the said city, for a term not to exceed twenty years, notes or scrip at a rate of interest not exceeding four per cent per annum, such sums as may be necessary for the pur-

pose of carrying out the said work, provided such sums together with said balance shall not exceed said sum of three hundred and fifty thousand dollars.

SECTION 5. If the city shall desire to issue additional bonds outside of the statutory debt limit, as provided in section four of this act, the city shall provide for the payment of said indebtedness by such annual proportionate payments as will extinguish the debt at maturity. The sinking fund of any loan of the city may be invested in said bonds.

Issue of
bonds, etc.

SECTION 6. The provisions of section three of chapter twenty-seven of the Revised Laws shall not affect the validity of any contract entered into or of any indebtedness incurred under the provisions of this act.

Validity of
contract not
affected by
certain pro-
visions of the
Revised Laws.

SECTION 7. This act shall take effect upon its passage.

Approved June 12, 1907.

AN ACT TO AUTHORIZE APPEALS TO THE STATE BOARD OF
HEALTH FROM CERTAIN REQUIREMENTS OF THE DISTRICT
POLICE.

Chap.499

Be it enacted, etc., as follows:

SECTION 1. In all cases where requirements are made, under authority of law, by the inspectors of the district police or by the chief of the district police, in respect to heating, ventilating, plumbing or other matters, there shall be a right of appeal to the state board of health, whose decision in the matter shall be final.

Appeals to the
state board of
health, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1907.

AN ACT TO PROVIDE FOR THE PROTECTION OF THE TOOLS OF
CONTRACTORS, BUILDERS AND MECHANICS.

Chap.500

Be it enacted, etc., as follows:

SECTION 1. Any person who steals any tool belonging to any contractor, builder or mechanic, from any building during the course of its construction or completion, alteration or repair, shall, for a first offence be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months or by both such fine and imprisonment, and for a second offence shall be punished by a fine of one hundred dollars or by imprison-

Penalty for
stealing tools
of contrac-
tors, builders,
etc.

ment for six months or by both such fine and imprisonment.

Pawnbrokers
to keep a
record of
amount
loaned, etc.,
on tools used
by contrac-
tors, etc.

SECTION 2. When a licensed pawnbroker buys or takes in pawn any tool such as is used by contractors, builders or mechanics, he shall enter in a book kept for that purpose a description of the same and the amount paid for or loaned upon the same, and shall cause the person offering such tool for sale or for pawn to sign his name and address thereto. The pawnbroker shall also write in the said book the name and address of the said person.

Penalty for
giving false
name, etc.

SECTION 3. Any person thus offering any tool for pawn or for sale who signs a wrong name or address, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

Penalty on
pawnbroker.

Any pawnbroker who knowingly writes the wrong name or address of a person thus offering a tool for sale or for pawn, or knowingly permits the signing of such wrong name or address, shall be fined one hundred dollars for the first offence, and upon a second offence his license shall be revoked, and he shall not be permitted to conduct the business of pawnbroker in this Commonwealth for one year.

Approved June 12, 1907.

Chap.501 . AN ACT RELATIVE TO THE WORCESTER WIRE COMPANY.

Be it enacted, etc., as follows:

1907, 290,
amended.

SECTION 1. Chapter two hundred and ninety of the acts of the current year, being "An Act to dissolve certain corporations", in so far as it applies to or affects the Worcester Wire Company, is hereby repealed; and the charter, organization and acts of said corporation shall have the same force and effect which they had at the time of the passage of the said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1907.

Chap.502 AN ACT TO INCORPORATE THE WALPOLE RESERVOIR COMPANY.

Be it enacted, etc., as follows:

Walpole
Reservoir
Company
incorporated.

SECTION 1. Charles S. Bird, Zachary T. Hollingsworth and Isaac N. Lewis, their associates and successors, are hereby made a corporation by the name of the Walpole Reservoir Company, for the purpose of creating and

maintaining a supply of water and water power to use or sell, or to lease or otherwise dispose of to other corporations or persons for manufacturing and mechanical purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

SECTION 2. Said corporation, for the purposes aforesaid, shall have power to construct and maintain a dam or dams upon any of the streams in the towns of Walpole and Sharon. Upon the completion of any dam and the collection of water in the reservoir formed thereby, the said corporation shall discharge or allow to flow into the stream below the dam a quantity of water equivalent at all times to a rate of at least one hundred thousand gallons per twenty-four hours for each square mile of watershed tributary to said dam whenever a sufficient quantity of water for the purpose is held in the reservoir, but whenever the reservoir is empty and the flow into it is less than one hundred thousand gallons per twenty-four hours for each square mile of watershed tributary to said dam, the whole flow of the stream shall be allowed to pass said dam. In determining the amount to be discharged past said dam under the provisions of this section, leakage through or beneath said dam or filtration or seepage around it shall be reckoned as water discharged from the dam. The state board of health, upon complaint of any owner of land bordering on the brook or stream below said dam, that the flow or discharge of water past said dam is not maintained in the quantity hereby required, shall have authority to enter upon the dam and the stream below and to make such measurements and observations as it may deem necessary in order to ascertain the amount of water flowing, and in case it finds that the quantity discharged from or flowing past the dam is less than the amount required by this act, or that the quantity discharged is not maintained with reasonable equality throughout the twenty-four hours, it shall notify the said corporation of the facts and shall make such order as may be necessary for the discharge of the water in compliance with the provisions of this act.

May construct and maintain dams, etc.

State board of health to have certain jurisdiction.

SECTION 3. Said corporation shall maintain the bottom of any reservoir constructed under the authority of this

Protection of the public health.

act in such condition that it shall not be a nuisance or source of danger to the public health. The state board of health may, upon complaint of persons living in the neighborhood of a reservoir constructed under the authority of this act, alleging offensive odors or objectionable consequences from the condition of the reservoir, make such examinations as it may deem necessary, and, after a public hearing, make such orders as to the regulation of the height of water in the reservoir and as to the clearing or ditching of objectionable exposed areas in the bottom thereof as it shall deem necessary for the proper protection of the public health.

The supreme judicial court, etc., to have jurisdiction, etc.

SECTION 4. The supreme judicial court or any justice thereof or the superior court or any justice thereof shall have jurisdiction in equity to enforce the provisions of this act and any order made by the state board of health in conformity therewith. Proceedings to enforce any such order shall be instituted and prosecuted by the attorney-general upon the request of the state board of health.

Capital stock, etc.

SECTION 5. Said corporation may acquire and hold real and personal estate necessary or convenient for the purposes aforesaid. The capital stock shall not exceed one hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

SECTION 6. This act shall take effect upon its passage.

Approved June 13, 1907.

Chap. 503 AN ACT RELATIVE TO EGRESSES AND MEANS OF ESCAPE FROM CERTAIN BUILDINGS AND TO LIGHTING AND SANITARY CONDITIONS IN FACTORIES AND WORKSHOPS.

Be it enacted, etc., as follows:

R. L. 104, § 25, amended.

SECTION 1. Section twenty-five of chapter one hundred and four of the Revised Laws is hereby amended by inserting after the word "use", in the twentieth line, the words: — and every such egress shall be provided with a sign having on it the word "Exit" in letters not less than five inches in height and so as plainly to indicate to persons within the building the location of such egresses, — so as to read as follows: — *Section 25.* A building which is used, in whole or in part, as a public building, public or private institution, school house, church, theatre, public hall, place of assemblage or place of public resort, and a building in which ten or more persons are employed above

Fire escapes, etc.

the second story in a factory, workshop, mercantile and other establishment, and a hotel, family hotel, apartment house, boarding house, lodging house or tenement house in which ten or more persons lodge or reside above the second story, and a factory, workshop, mercantile or other establishment the owner, lessee or occupant of which is notified in writing by an inspector of factories and public buildings that the provisions of this chapter are deemed by him applicable thereto shall be provided with proper egresses or other means of escape from fire, sufficient for the use of all persons accommodated, assembled, employed, lodged or resident therein; but no owner, lessee or occupant of such building shall be deemed to have violated this provision unless he has been notified in writing by such inspector what additional egresses or means of escape from fire are necessary and has neglected or refused to supply the same. The egresses and means of escape shall be kept unobstructed, in good repair and ready for use, and every such egress shall be provided with a sign having on it the word "Exit" in letters not less than five inches in height and so as plainly to indicate to persons within the building the location of such egresses. Stairways on the outside of the building shall have suitable railed landings at each story above the first, accessible at each story from doors or windows, and such landings, doors and windows shall be kept clear of ice, snow and other obstructions. Portable seats shall not be allowed in the aisles or passageways of such buildings during any service or entertainment held therein. If the inspector so directs in writing, women or children shall not be employed in a factory, workshop, mercantile or other establishment, in a room above the second story from which there is only one egress, and all doors and windows in any building which is subject to the provisions of this section shall open outwardly, and every room above the second story in any such building, in which ten or more persons are employed, shall be provided with more than one egress by stairways or by such other way or device, approved in writing by the inspector, as the owner may elect, on the inside or outside of the building, placed as near as practicable at each end of the room. The certificate of the inspector shall be conclusive evidence of a compliance with such requirements.

Fire escapes,
etc.

R. L. 104, § 41,
amended.

SECTION 2. Section forty-one of said chapter one hundred and four is hereby amended by inserting after the word "factories", in the seventh line, the words: — and workshops, — by inserting after the word "be", in the same line, the words: — well lighted, — and by adding at the end thereof the following: — Suitable receptacles for expectoration shall be provided in all factories and workshops by the proprietors thereof, the same to be of such form and construction and of such number as shall be satisfactory to the board of health of the city or town in which the factory or workshop is situated, — so as to read as follows: — *Section 41.* The belting, shafting, gearing and drums of all factories, if so placed as, in the opinion of the inspectors of factories and public buildings, to be dangerous to employees therein while engaged in their ordinary duties, shall be as far as practicable securely guarded. No machinery except steam engines in a factory shall be cleaned while running if objection in writing is made by one of said inspectors. All factories and workshops shall be well lighted, well ventilated and kept clean. Suitable receptacles for expectoration shall be provided in all factories and workshops by the proprietors thereof, the same to be of such form and construction and of such number as shall be satisfactory to the board of health of the city or town in which the factory or workshop is situated.

Belting, etc.,
in factories to
be guarded,
etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 13, 1907.

Chap. 504 AN ACT TO AUTHORIZE THE TAKING OF CERTAIN UNIMPROVED LAND UPON THE ISLAND OF MARTHA'S VINEYARD FOR THE PROTECTION OF PINNATED GROUSE AND OTHER BIRDS.

Be it enacted, etc., as follows:

SECTION 1. The commissioners on fisheries and game are hereby authorized to take, or receive as a gift, or lease, for and in the name of the Commonwealth such unimproved lands on the island of Martha's Vineyard, not exceeding one thousand acres, and such other property as they may deem necessary for the purpose of making fire stops for the protection from fire of the feeding and breeding grounds of the pinnated grouse, or of otherwise securing the maintenance and increase of the said birds, or of

Certain un-
improved land
on Martha's
Vineyard may
be taken for
the protection
of certain
birds.

any other species of wild birds upon said island; and the control and use of the lands or other property so acquired or leased, or of any land or property otherwise placed under the temporary or permanent control of said commissioners for the said purposes shall be vested in said commissioners, and the provisions of chapter three hundred and twenty-seven of the acts of the year nineteen hundred and six shall apply thereto.

SECTION 2. Said commissioners shall, within thirty days after taking any land under this act, file and cause to be recorded in the office of the register of deeds for the county of Dukes County at Edgartown, a certificate describing by metes and bounds the lands so taken, stating the names of the owners, so far as they may be known, and also stating the purpose of such taking as hereinbefore specified. Said plan and certificate shall be signed by said commissioners, or by a majority of them.

Any taking of land to be recorded.

SECTION 3. Any person sustaining damages by the taking of land as herein provided, who fails to agree with said commissioners as to the amount thereof, may, on application at any time within one year after the taking of such land, have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways.

Damages.

SECTION 4. In any proceeding for the recovery of damages hereunder, said commissioners may offer in court and may consent in writing that the sum therein specified may be awarded to the complainant as damages, and if the complainant shall not accept the same within ten days after he has received notice of such offer and shall not finally recover a greater sum than that offered, not including interest on the sum recovered in damages from the date of the offer, said commissioners shall be entitled to recover costs after such date, and the complainant, if he recover damages, shall be allowed costs only to the date of the offer unless the damages so recovered shall be in excess of the amount offered as aforesaid by said commissioners.

Commissioners may consent that a certain sum may be awarded as damages, etc.

SECTION 5. For the purpose of acquiring said lands as aforesaid, and for the preparation of said fire stops and for other work incidental to the purposes hereinbefore set forth, and for investigating and reporting upon the best methods and probable cost of protecting and increasing

Expenditure.

the colonies of birds on the island, the sum of two thousand dollars may be expended; and said commissioners may also expend in accordance with the provisions of this act such other sums as towns, associations or individuals may from time to time pay to the treasurer of the Commonwealth for the said purposes.

Approved June 13, 1907.

Chap. 505 AN ACT TO AUTHORIZE THE TOWN OF STOUGHTON TO REFUND CERTAIN INDEBTEDNESS.

Be it enacted, etc., as follows:

Stoughton
Refunding
Bonds, Act of
1907.

SECTION 1. For the purpose of paying or refunding, in whole or in part, certain notes issued heretofore by the town of Stoughton for the several amounts and maturing at the several dates hereinafter specified, said town is hereby authorized to issue bonds, to be denominated on the face thereof, Stoughton Refunding Bonds, Act of 1907, to an amount not exceeding fifty thousand dollars. Said bonds shall be payable within periods not exceeding thirty years from their date, and shall bear such rate of interest, not exceeding five per cent per annum, as the town may determine. The town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning in the year nineteen hundred and eight, as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall, without further vote, be assessed by the assessors of the town every year, in the same manner in which other taxes are assessed, until the debt is extinguished. The notes for the payment of which said bonds are to be issued are as follows: one for twelve thousand dollars, due May seventh; one for ten thousand dollars, due July twenty-ninth; one for eight thousand dollars, due November twenty-fourth; one for fifteen thousand five hundred dollars, and one for six thousand eight hundred dollars, both due November twenty-sixth, and all maturing in the year nineteen hundred and seven; and one note for fourteen thousand dollars, due May first, nineteen hundred and ten.

Payment of
bonds, etc.

Sinking fund
to be paid to
the town
treasurer.

SECTION 2. The trustees of the sinking fund established for retiring said notes are hereby authorized and directed to pay over said fund to the treasurer of said

town, to be applied by him toward the payment of said notes.

SECTION 3. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town present and voting thereon at any town meeting duly called for the purpose.

When to take effect.

Approved June 13, 1907.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 506

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein otherwise provided, for the purposes specified, to wit:—

Appropriations.

For the expenses of a special census in the city of Lawrence, under the provisions of section three of chapter one hundred and seven of the Revised Laws, the sum of thirteen hundred fifty-seven dollars and thirty-one cents.

Special census in the city of Lawrence.

For the salary of the members of the board of registration in pharmacy, as authorized by chapter three hundred and ninety-nine of the acts of the present year, a sum not exceeding three hundred and ninety-five dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Board of registration in pharmacy, salaries.

For the salary of the general agent of the dairy bureau of the state board of agriculture, as authorized by chapter four hundred and one of the acts of the present year, a sum not exceeding three hundred and sixty-seven dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

General agent of the dairy bureau, salary.

To provide for an investigation of the water supply system at the Medfield insane asylum, as authorized by chapter eighty-four of the resolves of the present year, a sum not exceeding two thousand dollars.

Medfield insane asylum.

For Wellington T. Cooke, of Somerville, as authorized by chapter eighty-five of the resolves of the present year, the sum of five hundred dollars.

Wellington T. Cooke.

For disseminating useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Disseminating information in agriculture.

Publication of
Province laws.

For clerks and messengers in connection with the publication of the acts and resolves of the province of Massachusetts bay, a sum not exceeding eight hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Judge of probate, etc.,
county of
Worcester.

For an additional judge of probate and insolvency for the county of Worcester, as authorized by chapter four hundred and forty-two of the acts of the present year, a sum not exceeding sixteen hundred dollars.

Assistant
register of
probate, etc.,
county of
Worcester.

For the salary of the assistant register of probate and insolvency for the county of Worcester, as authorized by chapter four hundred and forty-two of the acts of the present year, a sum not exceeding five hundred and twenty-eight dollars. The provision of chapter twenty-two of the acts of the present year, appropriating twenty-three hundred dollars for the salary of the assistant register of probate and insolvency for the county of Worcester, is hereby repealed.

Additional
members of
the boiler
inspection de-
partment of
the district
police.

For the compensation of five additional members of the boiler inspection department of the district police, as authorized by chapter four hundred and fifty-one of the acts of the present year, a sum not exceeding thirty-seven hundred and fifty dollars.

Travelling
expenses of
inspectors.

For travelling expenses of said inspectors, a sum not exceeding two thousand dollars, and for investigation work and apparatus in connection with the inspection of steam boilers, a sum not exceeding one thousand dollars, the same to be in addition to any amounts heretofore appropriated for this purpose.

Secretary of
the civil ser-
vice commis-
sion, salary.

For the salary of the secretary of the civil service commission, as authorized by chapter four hundred and fifty-four of the acts of the present year, a sum not exceeding five hundred and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Annual report
of the tax
commissioner.

For printing and binding the annual report of the tax commissioner, the sum of one hundred sixty-nine dollars and twenty-seven cents, the same to be in addition to any amount heretofore appropriated for this purpose.

Examination
of applicants
to operate
motor
vehicles.

For the expense of the examination by the Massachusetts highway commission of applicants for licenses to operate motor vehicles for hire, as authorized by chapter eighty-six of the resolves of the present year, a sum not exceeding three thousand dollars.

For the construction of an addition to the manual training building at the Massachusetts School for the Feeble-Minded, a sum not exceeding twenty-four thousand dollars, and for additions to the hospital group of buildings, a sum not exceeding ten thousand dollars, as authorized by chapter eighty-nine of the resolves of the present year, the same to be paid out of the Prisons and Hospitals Loan Fund.

Massachusetts
School for
the Feeble-
Minded.

For certain other repairs and improvements at the Massachusetts School for the Feeble-Minded, as authorized by chapter eighty-nine of the resolves of the present year, a sum not exceeding fifteen thousand six hundred dollars.

Repairs and
improve-
ments.

For the construction of coal pockets for the Foxborough state hospital, as authorized by chapter ninety of the resolves of the present year, a sum not exceeding forty-seven hundred dollars.

Foxborough
state hospital.

For certain repairs and improvements at the Massachusetts hospital for epileptics, as authorized by chapter ninety-one of the resolves of the present year, a sum not exceeding ten thousand five hundred dollars.

Massachusetts
hospital for
epileptics.

For certain repairs and improvements at the Northampton state hospital, as authorized by chapter ninety-two of the resolves of the present year, a sum not exceeding nine thousand dollars.

Northampton
state hospital.

For the expenses of an investigation by the board of harbor and land commissioners, as to the advisability of establishing a system of state or municipal docks in the city of Boston, as authorized by chapter ninety-three of the resolves of the present year, a sum not exceeding one thousand dollars.

State or
municipal
docks in the
city of Boston.

For the erection of a stable at the state colony for the insane, as authorized by chapter ninety-five of the resolves of the present year, a sum not exceeding sixty-five hundred dollars.

State colony
for the insane.

For the expenses of an inquiry by the commission on industrial education into the organization and methods of the textile schools of the Commonwealth, as authorized by chapter sixty-four of the resolves of the present year, a sum not exceeding two thousand dollars.

Commission
on industrial
education.

For expenses in carrying out the resolve directing the board of prison commissioners to investigate the subject of the relocation of the state prison, as authorized by chap-

Relocation of
the state
prison.

ter eighty-three of the resolves of the present year, a sum not exceeding one thousand dollars.

Special census
in the town of
Framingham.

For expenses of a special census in the town of Framingham, under the provisions of section three of chapter one hundred and seven of the Revised Laws, the sum of four hundred forty dollars and seventy-six cents.

Band concerts
in parks, etc.

For the expenses of furnishing band concerts in parks, parkways and other places under the control of the metropolitan park commission, a sum not exceeding twenty-five thousand dollars, to be paid out of the Metropolitan Parks Maintenance Fund.

Bank com-
missioner.

For additional clerk hire and expert services in the office of the bank commissioner, to enable him to carry out the provisions of chapter three hundred and seventy-seven of the acts of the present year, a sum not exceeding eight hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1907.

Chap. 507 AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND SIX.

Be it enacted, etc., as follows:

Appro-
priations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses in excess of the appropriations therefor in the year nineteen hundred and six, to wit: —

Printing
report on
birds.

For preparing and printing a special report on the birds of the Commonwealth, the sum of four hundred four dollars and fifty cents.

Janitors of
armories.

For the compensation of janitors of certain armories, the sum of nine hundred eighty-nine dollars and forty cents.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1907.

AN ACT TO PROVIDE FOR CONTINUING THE IMPROVEMENT OF NANTUCKET HARBOR. Chap.508

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby directed to expend in its discretion a sum not exceeding five thousand dollars, in addition to the amount already appropriated, for further improving Nantucket harbor by dredging the shoals between Brant Point and the wharves.

Improvement
of Nantucket
harbor.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1907.

AN ACT TO PROVIDE FURTHER FOR IMPROVING THE CHANNEL OF THE IPSWICH RIVER. Chap.509

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding three thousand dollars is hereby appropriated, to be expended under the direction of the harbor and land commissioners, in completing the work of deepening and improving the channel of Ipswich river in the town of Ipswich.

Improving
the channel of
Ipswich river.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1907.

AN ACT TO PROVIDE FOR EXTENDING THE RIPRAP WORK ON THE BANK OF THE CONNECTICUT RIVER IN THE TOWN OF AGAWAM. Chap.510

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby authorized and instructed to expend a sum not exceeding fifteen hundred dollars, in addition to the unexpended balance of the sum authorized to be expended for this purpose by chapter four hundred and ninety-one of the acts of the year nineteen hundred and six, for the extension of the present riprap or other protective work on the westerly or Agawam side of the Connecticut river within the town of Agawam, at and south of the region called Calla Shasta, for the purpose of preventing further encroachments of the river.

Extending
riprap work
on the Con-
necticut river.

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1907.

Chap. 511 AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A DIKE ACROSS THE MOUTH OF HERRING RIVER IN THE TOWN OF WELLFLEET.

Be it enacted, etc., as follows:

Construction
of a dike
across the
mouth of
Herring river,
in Wellfleet.

SECTION 1. The board of harbor and land commissioners is hereby authorized and directed to construct a dike with the ditches and structures incident thereto at or near the mouth of Herring river in the town of Wellfleet in the location described by chapter four hundred of the acts of the year nineteen hundred and six, said dike to have a proper fish-way therein constructed in such a manner as may be approved in writing by the commissioners on fisheries and game.

Expenditure.

SECTION 2. The board of harbor and land commissioners may expend for the construction of said dike and fish-way a sum not exceeding ten thousand dollars from the treasury of the Commonwealth, in addition to the sum of ten thousand dollars to be provided by the town of Wellfleet under the provisions of said chapter four hundred, and to be paid into the treasury of the Commonwealth before the work is begun: *provided, however*, that no part of either of said sums shall be expended until the owners of the property on which the dike is to be built or which would be injured by its construction or maintenance, have, without expense to the Commonwealth, executed and delivered to the board of harbor and land commissioners satisfactory releases of all claims against the Commonwealth or the town of Wellfleet for damages occasioned or to be occasioned by or in consequence of the construction and maintenance of the dike, or the doing of any other thing authorized in connection therewith.

Proviso.

The town of
Wellfleet to
maintain, etc.,
the dike.

SECTION 3. Upon the completion of said dike the town of Wellfleet is hereby authorized to maintain and operate the dike and fish-way, subject to the approval and direction of the board of harbor and land commissioners.

SECTION 4. This act shall take effect upon its passage.

Approved June 13, 1907.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF WEST FALMOUTH HARBOR. *Chap. 512*

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby authorized and instructed to improve the harbor at West Falmouth, in the county of Barnstable, by removing rocks and excavating a channel not exceeding one hundred feet in width and not exceeding six feet in depth at mean low water from the mouth of said harbor on Buzzards bay to the public landing at the foot of Chapoquoit street, and by constructing a suitable anchorage basin for boats and vessels at some advantageous point adjacent to said channel; and for this purpose may expend a sum not exceeding five thousand dollars, to be paid out of the treasury of the Commonwealth.

Improvement
of West Fal-
mouth harbor.

SECTION 2. Said board may take, or may acquire by purchase or otherwise, in the name and behalf of the Commonwealth, any land or materials necessary for making the improvements aforesaid; and the manner of such taking, and of determining the damages caused thereby or by any other doings of said board under the provisions of this act shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall for the purposes of this act have all the powers conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid to the person or persons entitled thereto.

Land and
materials may
be taken, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 13, 1907.

AN ACT TO RELIEVE MEMBERS OF THE POLICE FORCE OF THE CITY OF BOSTON FROM POLICE DUTY AT CERTAIN TIMES. *Chap. 513*

Be it enacted, etc., as follows:

SECTION 1. Subject to the provisions of this act, members of the regular and reserve police force of the city of Boston shall be relieved of police duties, without loss of pay, once in each fifteen days, for a period of not less than twenty-four consecutive hours except for the time required

Members of
the police
force of Boston
to be relieved
from duty at
certain times,
etc.

to answer at roll call immediately before the beginning or immediately after the end of a tour of duty. The time and the manner of such relief shall be determined in each instance by the police commissioner of the city of Boston, or, under his authority, by the superintendent of police or other superior officer or officers. A member so relieved shall be exempt for the time from actual police service and from presence for duty, but otherwise shall be subject during such relief to all laws, rules, orders and regulations for the government of the force which may be in effect from time to time. Should the exigencies of the service, in the judgment of the commissioner, or of the superintendent or other superior officer authorized thereto by the commissioner, require at any time that a member of the force should be deprived of his period of relief or that it should be curtailed, the time so lost shall be made up to him as soon thereafter as may be practicable.

The police commissioner to enforce provisions of act.

SECTION 2. The police commissioner of the city of Boston, on receipt of the notice from the secretary of the Commonwealth hereinafter provided for, shall prepare to put the provisions of section one of this act into effect within six months thereafter. For that purpose he is hereby authorized and directed to appoint in the manner now prescribed by law such additional members of the police force, including the reserve, as he shall deem necessary to carry out the provisions of this act.

When to take effect.

SECTION 3. This act shall take effect only when it is accepted by the mayor and city council of the city of Boston by written assent filed with the secretary of the Commonwealth, who shall at once send notice thereof to the police commissioner of the city of Boston.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved June 13, 1907.*

Chap. 514 AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO TAKE THE WATERS OF ROARING BROOK AS AN ADDITIONAL WATER SUPPLY.

Be it enacted, etc., as follows:

The city of Pittsfield may take certain waters to increase its water supply.

SECTION 1. The city of Pittsfield is hereby authorized, acting by its board of public works, to take for the purpose of increasing its water supply, at any time within five years after the passage of this act, any part of the waters

of Roaring brook, so-called, and of the waters which flow into the same lying outside of the limits of the town of Lenox, and the waters of Clapp pond, so-called, and to divert such waters into the watershed of Mill brook, so-called, and thence to convey the same to the city of Pittsfield, for the purpose of furnishing an additional supply of water for said city and for public purposes. So far as may be necessary for this purpose, the said city may take, or acquire by purchase or otherwise, any lands outside of the limits of the town of Lenox, and any waters and water rights connected therewith or with said Clapp pond, and may lay, construct and maintain all pipes, conduits, channels, ditches, dams, reservoirs or other works or structures necessary in order to divert said waters as aforesaid, or to convey, store or distribute the same: *provided, however*, that no lands shall be taken or otherwise acquired under the authority of this act except with the approval of the state board of health after a hearing, and that all works for taking, storing, conveying or diverting water shall be constructed in general accordance with plans approved by said board; and *provided, further*, that upon the written request, made within five years after the passage of this act, of the Lenox Water Company, acting by its board of directors, or of the town of Lenox, acting by its board of selectmen in case said town shall have purchased the franchise and corporate property of said company, said water company or said town, as the case may be, if the state board of health shall determine that the waters to be taken hereunder constitute the most appropriate source of additional water supply for said water company or said town, shall be entitled to draw or take therefrom, at such point therein or in the structures or works to be constructed in connection therewith as may be approved by said board of health, such quantity of water as said board of health may determine, after a hearing, that said company or said town requires and is reasonably entitled to, taking into consideration the requirements of the city of Pittsfield and the other sources of supply of said company or town, and of said city respectively.

Provisos.

SECTION 2. Said Lenox Water Company shall have the right to determine by vote of its board of directors, to be passed within the aforesaid period of five years, whether it will secure the quantity of water required by it as above

The Lenox Water Company to determine whether water shall be taken, etc.

provided, by making an annual payment for the same, or by making a permanent taking of the same. In case said company shall elect to make an annual payment for such water it may at any time thereafter, by vote of its board of directors passed within said period, elect to make a permanent taking of such water in lieu of making such annual payment. In case said company shall elect to make an annual payment for such water, it shall pay annually to the city of Pittsfield as compensation for the same such sum as represents the fair proportionate cost thereof to said city, including the interest paid by said city upon the sum representing the purchase price of the water and water rights taken under the provisions of this act, plus the cost of any dams, reservoirs, works or other structures connected therewith, so far as the same are used in part for furnishing water to said company. In case said water company shall elect to make a permanent taking of a certain quantity or proportion of such water, it shall pay therefor to the city of Pittsfield a fair proportion of the damages paid by said city for the water and water rights taken by it under this act, with interest, and if said water company shall take such water from any reservoir, pipes, conduits or other works or structures laid or built by said city, or shall diminish the amount of water stored or conducted thereby, it shall also pay to said city a fair proportion of the cost of, or damage to, the same, excluding interest. If said city and said water company cannot agree as to any sum or sums to be paid hereunder, whether as an annual payment for water or for a single taking of water, either party may apply to the superior court, and the court, upon such notice to the other party as it may order, shall appoint three commissioners, who shall after reasonable notice fix the amount to be paid, and the award of a majority of the commissioners upon being returned into court and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon, and the court may award costs to either party as may seem to the court just and equitable, and execution shall issue therefor. In case the town of Lenox shall at any time take the franchise and corporate property of said Lenox Water Company, said company shall not be entitled to have any value assigned to any right to secure water from the city of Pittsfield by

Damages.

Commissioners may be appointed.

making an annual payment therefor as herein provided, and in case said company shall have made a permanent taking of water as herein provided and shall have paid for the same, only the sum actually paid therefor with interest shall be considered in reckoning the value of the property of said company.

SECTION 3. Within ninety days after taking any waters or water rights, lands, rights of way, easements or property for any purpose of this act, said city shall file and cause to be recorded in the registry of deeds for the county in which the same are situated a description thereof, signed by its board of public works, which in the case of lands taken shall be as certain as is required in a common conveyance of land, stating that the same are taken for the purposes of this act, and shall file with such statement a map or plan, drawn to scale, of the said lands; and after such taking of any property said board shall notify the owner or owners thereof, if known to them, and within thirty days after receiving a written request therefor, from the owner or owners of the said land or other property, shall furnish them with a reasonably accurate plan or description in writing of the land or other property so taken, provided the said request is made within one year after the taking.

Description of
land, etc.,
taken to be
recorded.

SECTION 4. Said city shall pay all damages to property suffered by any person by any taking or other act made or done under authority hereof; but no damages shall be recoverable for the taking of any water until the water is actually taken or diverted. All such damages shall be ascertained and recovered in the manner provided by law in the case of land taken for the laying out of highways, and all proceedings for the recovery of such damages shall be brought within two years after the right of action accrues.

Damages.

SECTION 5. Said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, borrow money and issue bonds in accordance with the provisions of chapter one hundred and eighty-five of the acts of the year eighteen hundred and ninety-two and acts in amendment thereof.

City may
issue bonds,
etc.

SECTION 6. This act shall take effect upon its passage.

Approved June 14, 1907.

Chap. 515 AN ACT RELATIVE TO THE ASPINWALL WATER COMPANY.*Be it enacted, etc., as follows:*

The Aspinwall
Water Com-
pany to sub-
mit plans, etc.

SECTION 1. The Aspinwall Water Company, incorporated by chapter two hundred and thirty-five of the acts of the year nineteen hundred and four, shall, within sixty days after the passage of this act, submit to the state board of health plans of the sources, lands, reservoirs, wells and other works already acquired or which said company at the time of submitting such plans shall have determined to acquire for the purpose of furnishing pure water, for the extinguishment of fires and for domestic and other purposes, to the inhabitants of the parts of the town of Lenox described in section one of said chapter two hundred and thirty-five; and said board shall cause an examination of said sources and works to be made, and shall certify to the commissioner of corporations, such of the sources, lands, reservoirs, dams and other works as it finds necessary or suitable, and properly situated for the water supply of the said district; and the commissioner of corporations shall thereupon, after consultation with said board, determine the actual value of the sources and works certified as aforesaid, and may thereupon authorize the said Aspinwall Water Company to issue stock or bonds therefor, but the amount so issued therefor in addition to the amounts already authorized by the commissioner of corporations shall in no case exceed the sum of sixty thousand dollars.

1904, 235, § 2,
amended.

SECTION 2. Section two of said chapter two hundred and thirty-five is hereby amended by striking out the words "*provided*, that no source of water supply for domestic purposes shall be taken under this act without the advice and approval of the state board of health, and that the location of all dams and reservoirs shall be subject to the approval of said board", in the twelfth to the sixteenth lines, inclusive, and by adding at the end of said section the words:—No act shall be done or liability incurred by said water company, except as herein provided, in the construction of works for modifying, enlarging or improving its system of water supply until plans thereof showing in detail all the work to be done have been presented to and approved by the state board of health, and the works shall be constructed in accordance with the

plans so approved, — so as to read as follows: — *Section 2.* Said company, for the purposes aforesaid, may lease, take, or acquire by purchase or otherwise, hold and convey through said part of the town of Lenox the water of the Yukon river and any and all of its tributaries in Lenox except that part of said river and its tributaries which lies south of the northern limit of ground on said stream now occupied by the Lenox Water Company, and the waters of any springs or other sources on the watershed of said river, with the water rights connected therewith, except that part which lies south of the northern limit of ground on said stream now used by the Lenox Water Company. Said Aspinwall Water Company may also take by purchase or otherwise and hold all lands, rights of way and easements in that part of the town of Lenox, northerly of the line described in section one, which are necessary for taking, holding, storing and improving such water and for conveying the same to and through that part of the town of Lenox which is northerly of the line described in section one of this act. No act shall be done or liability incurred by said water company, except as herein provided, in the construction of works for modifying, enlarging or improving its system of water supply until plans thereof showing in detail all the work to be done have been presented to and approved by the state board of health, and the works shall be constructed in accordance with the plans so approved.

Certain waters, water rights, etc., may be taken.

SECTION 3. Said chapter two hundred and thirty-five is hereby further amended by striking out the first sentence in section seven, to wit, the following words, "The company may, for the purpose aforesaid, hold real estate not exceeding in value ten thousand dollars."

1904, 235, § 7, amended.

SECTION 4. The organization and incorporation of the Aspinwall Water Company under the provisions of said chapter two hundred and thirty-five are hereby ratified and confirmed.

Organization of the company ratified.

SECTION 5. The town of Lenox shall have the right, at any time during the continuance of the charter hereby granted, to purchase or to take by right of eminent domain, the franchise, property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its works and property held under the provisions of this act. If the town shall so take said prop-

The town of Lenox to have the right to take the franchise and property of the company.

erty it shall, in part payment for the same assume any indebtedness of said corporation incurred in the construction or improvement of the property, by lawful issue of bonds secured by mortgage. The town, on taking as herein provided, the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized by this act, and the amount thus assumed shall be deducted from the total amount to be paid by the town to said corporation. Said corporation shall furnish to the town of Lenox under oath, an itemized statement of the actual cost of the water supply system authorized under this act, together with a copy of all contracts made in providing and constructing said water supply system and any extension thereof, and shall furnish to said town annually in the month of January an itemized statement, under oath, of its receipts and expenditures, which statement shall be submitted by the selectmen to the citizens of the town at the annual town meeting. This authority to purchase or take said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting legally called for that purpose, and the taking, if by exercise of the right of eminent domain, shall be by filing in the registry of deeds for the county of Berkshire a declaration of such taking, which shall include a certified copy of the article in the warrant under which the town acted, and of the vote of the town thereon showing that it was passed by a two thirds vote as herein required. In case the town and the corporation shall be unable to agree upon the actual cost of said property, the supreme judicial court shall, upon application of either party, and notice to the other, appoint three commissioners who shall determine the actual cost of said property, and whose award, when accepted by the court, shall be final. Interest at the rate of six per cent shall be included in said award from the date of the taking or purchase.

Itemized statement of cost, etc., to be furnished to the town.

Additional stocks and bonds may be issued.

SECTION 6. The commissioner of corporations shall in future authorize issues of stocks and bonds in addition to the amount herein authorized for the construction of such additional works, or the acquisition of additional lands, only in such amounts as may be necessary for the construction of works, or the acquisition of land, that have been approved by the state board of health.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 8. This act shall take effect upon its passage.

Approved June 14, 1907.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF SCORTON HARBOR.

Chap. 516

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby directed to expend in its discretion a sum not exceeding ten thousand dollars for dredging and improving Scorton harbor.

Improvement
of Scorton
harbor.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1907.

AN ACT RELATIVE TO THE REGISTRATION OF CARRIERS OF INTOXICATING LIQUORS.

Chap. 517

Be it enacted, etc., as follows:

SECTION 1. Section forty-nine of chapter one hundred of the Revised Laws is hereby amended by inserting after the word "business", in the sixth line, the words: — and to no other person or corporation, — by inserting after the word "contained", in the ninth line, the words: — No person or corporation not regularly and lawfully conducting a general express business, except a railroad corporation or a street railway corporation authorized to carry freight or express, shall receive such liquors for transportation for hire or reward for delivery in a city or town, in which licenses of the first five classes are not granted, nor transport or deliver such liquors in such cities or towns, — and by striking out the words "or by any other person", in the twelfth line, so as to read as follows: — *Section 49.* Spirituous or intoxicating liquor which is to be transported for hire or reward for delivery in a city or town in which licenses of the first five classes are not granted, shall be delivered by the seller or consignor to a railroad corporation or to a person or corporation regularly and lawfully conducting a general express business, and to no other person or corporation, in vessels or packages plainly and legibly marked on the outside with the name and address, by street and number, if there be such, of the seller or consignor, and of the purchaser

R. L. 100, § 49,
amended.

Transporta-
tion of liquor
into no-license
towns, etc.

or consignee, and with the kind and amount of liquor therein contained. No person or corporation not regularly and lawfully conducting a general express business, except a railroad corporation or a street railway corporation authorized to carry freight or express, shall receive such liquors for transportation for hire or reward for delivery in a city or town, in which licenses of the first five classes are not granted, nor transport or deliver such liquors in such cities or towns. Delivery of such liquors or any part thereof by a railroad corporation, by a person or corporation regularly and lawfully conducting a general express business to a person, other than the owner or consignee, whose name is marked by the seller or consignor on said vessels or packages, or at any other place than is thereon marked, shall be deemed to be a sale by any person making such delivery to such person in the place in which such delivery is made.

1906, 421, § 4,
amended.

Penalty for
violation of
law.

SECTION 2. Section four of chapter four hundred and twenty-one of the acts of the year nineteen hundred and six is hereby amended by striking out the words "the transportation of", in the sixth line, and inserting in place thereof the words:—transportation, keeping or sale,—so as to read as follows:—*Section 4.* Any person violating the provisions of this act shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment, and any violation of the laws relative to transportation, keeping or sale of intoxicating liquors, by a person holding a permit granted under authority hereof, shall render such permit void.

SECTION 3. This act shall take effect upon its passage.

Approved June 15, 1907.

Chap. 518 AN ACT TO AUTHORIZE THE SALE OF THE FRANCHISE AND PROPERTY OF THE BOSTON AND PROVIDENCE RAILROAD CORPORATION TO THE OLD COLONY RAILROAD COMPANY.

Be it enacted, etc., as follows:

The Boston
and Providence
Railroad
Company may
sell its fran-
chise, etc., to
the Old Colony

SECTION 1. The Boston and Providence Railroad Corporation may sell its franchise and property to the Old Colony Railroad Company, and that company may purchase such franchise and property upon such terms and

conditions as may be agreed to by the directors of said corporations respectively, and approved by the board of railroad commissioners and by votes of the shareholders of said corporations respectively: *provided, however*, that the vote of the selling corporation shall be a vote of two thirds in interest of all the shareholders thereof; and upon such purchase the purchaser shall become subject to and held to pay all the debts and to perform all the duties and obligations of the seller; and *provided, further*, that said terms and conditions shall be approved by the board of railroad commissioners, shall be by them reported to the next general court for its action thereon, and shall not be operative until assented to by the general court.

Railroad Company.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1907.

AN ACT RELATIVE TO THE LOCATION OF THE BOSTON ELEVATED RAILWAY COMPANY IN WASHINGTON STREET AT AND NEAR FOREST HILLS SQUARE IN THE CITY OF BOSTON.

Chap. 519

Be it enacted, etc., as follows:

SECTION 1. The Boston Elevated Railway Company, hereinafter called the company, which term shall be deemed to include its successors and assigns, may construct, maintain and operate its elevated lines upon the following location hereby granted, to wit:— Through Forest Hills square and Washington street from its junction with Hyde Park avenue to a point at or near where Washington street is crossed by the Boston and Providence railroad, now leased to the New York, New Haven and Hartford Railroad Company. Said location may be used also for reversing the company's trains.

Location of the Boston Elevated Railway Company at Forest Hills square.

SECTION 2. In the construction, maintenance and operation of the elevated railway above provided for, the company shall have the rights, powers and privileges and be subject to the duties, restrictions and liabilities prescribed in respect to its elevated lines and structures by sections three, eight, nine, eleven, twelve, fifteen and eighteen of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, and by sections one, two, six, eight to ten, inclusive, twenty and twenty-one of chapter five hundred of the acts of the year eighteen hundred and ninety-seven.

Rights and privileges of the company.

Subject to certain terms, etc.

SECTION 3. The location of or right to maintain an elevated line or structure herein granted shall be subject to the terms of sections six and seven, Part II, of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, and shall further be subject to revocation by the general court, if the company shall not have completed the construction of its railway thereunder, within two years after the time when it was authorized to begin the construction of a railway and terminal station.

Permanent terminal station not affected.

SECTION 4. Nothing in this act shall be construed as affecting the future location of a permanent terminal station for the elevated railway in the locality above described.

SECTION 5. This act shall take effect upon its passage.

Approved June 15, 1907.

Chap. 520 AN ACT RELATIVE TO THE CONSTRUCTION AND IMPROVEMENT OF BUILDINGS AT STATE AND OTHER INSTITUTIONS.

Be it enacted, etc., as follows:

Construction and improvement of buildings at state institutions, etc.

SECTION 1. Preliminary plans, specifications and at least one reliable estimate of the cost of any new construction, including plumbing, heating, lighting, ventilating and equipment, or alteration or repair of existing construction at an expense exceeding two thousand dollars, for which it is intended to petition the general court for an appropriation of money, shall be submitted, on or before November first next preceding the legislative session in which it is intended to request the consideration thereof, to the state board which has supervision of the institution, public or private, for which such work is proposed. Said state board may require such modifications thereof and additions thereto and such additional information as it may deem necessary.

Plans and specifications, etc.

SECTION 2. After the approval of said preliminary plans and specifications by said state board, working plans, specifications and at least one reliable estimate of the cost of the proposed work shall be procured by the trustees of the institution, and shall be submitted on or before said November first to said state board for its approval. Said state board may employ expert assistance in its consideration thereof, and may recommend such modifications of and additions to said working plans and specifications as it may deem necessary, and if said working plans, specifi-

cations and estimate shall be submitted to the legislature without its approval, it shall recommend to the committees by whom such new construction, alteration or repairs shall be considered such modifications and additions as it may deem advisable, with its reasons therefor. All work to be done by persons regularly employed at the institution shall be excepted from the provisions of this section.

SECTION 3. Copies of said working plans and specifications relative to work for which an appropriation has been made shall be filed with said state board, and shall not be modified except with its approval in writing. The trustees shall solicit bids for the performance of such work by advertising in a reasonable number of newspapers, and shall award the contract to the lowest responsible and eligible bidder; but no contract shall be awarded for a sum exceeding the appropriation available therefor. Any petition subject to the provisions of this act and presented without compliance therewith shall be referred to the next general court, unless it shall be admitted for immediate consideration under the rules governing the admission of new business after the expiration of the time limit for its introduction.

Copies of plans, etc., to be filed.

Bids for work to be solicited, etc.

SECTION 4. Any petition for an appropriation of money by the Commonwealth for such new construction, alteration or repair at an institution which is not under the supervision of a state board shall be accompanied by working plans, specifications, and at least three reliable estimates of its cost for submission to the committees of the legislature by whom it shall be considered; otherwise it shall be referred to the next general court, according to the provisions of section three.

Estimates of cost, etc.

SECTION 5. To meet the expenses incurred under the provisions of section two on account of state institutions, and on account of the Massachusetts School for the Feeble-Minded and the Hospital Cottages for Children, a sum not exceeding two thousand dollars may annually be expended. Bills of such expenses shall not be paid until they have been approved by said state board.

Expenditures.

SECTION 6. This act shall take effect upon its passage.

Approved June 15, 1907.

Chap. 521 AN ACT RELATIVE TO THE SUPPRESSION OF THE GYPSY AND BROWN TAIL MOTHS.

Be it enacted, etc., as follows:

1905, 381, § 4,
etc., amended.

SECTION 1. Section four of chapter three hundred and eighty-one of the acts of the year nineteen hundred and five, as amended by section two of chapter two hundred and sixty-eight of the acts of the year nineteen hundred and six, is hereby further amended by striking out said section and inserting in place thereof the following new section:—*Section 4.* Cities and towns by such public officer or board as they shall designate or appoint, shall, under the advice and general direction of said superintendent, destroy the eggs, caterpillars, pupæ and nests of the gypsy and brown tail moths within their limits, except in parks and other property under the control of the Commonwealth, and except in private property, save as otherwise provided herein. When any city or town shall have expended within its limits city or town funds to an amount in excess of five thousand dollars in any one fiscal year, in suppressing gypsy or brown tail moths, the Commonwealth shall reimburse such city or town to the extent of fifty per cent of such excess above said five thousand dollars.

Cities and towns to destroy eggs, etc.

Certain cities and towns to be reimbursed.

Cities or towns, where one twenty-fifth of one per cent of the assessed valuation of real and personal property is less than five thousand dollars, and where the assessed valuation of real and personal property is greater than six million dollars, shall be reimbursed by the Commonwealth to the extent of eighty per cent of the amount expended by such cities or towns of city or town funds in suppressing the gypsy and brown tail moths in any one fiscal year, in excess of said one twenty-fifth of one per cent.

Commonwealth to expend money in certain towns, etc.

In the case of towns where the assessed valuation of real and personal property is less than six million dollars, after they have expended in any one fiscal year town funds to an amount equal to one twenty-fifth of one per cent of their assessed valuation of real and personal property, the Commonwealth shall expend within the limits of such towns, for the purpose of suppressing the gypsy and brown tail moths, such an amount in addition as the superintendent with the advice and consent of the governor shall recommend. The Commonwealth shall reimburse cities and towns every sixty days according to the provisions of this act.

No city or town shall be entitled to any reimbursement from the Commonwealth until it has submitted to the auditor of the Commonwealth itemized accounts and vouchers showing the definite amount expended by it for the purpose of this act; nor shall any money be paid out of the treasury of the Commonwealth to cities or towns, pursuant to the provisions of this act, until said vouchers and accounts have been approved by the superintendent and the auditor of the Commonwealth.

Itemized
accounts, etc.,
to be sub-
mitted to the
auditor.

For the purposes of this section, the valuation of the previous year shall be taken as a basis. The fiscal year for nineteen hundred and seven and for all succeeding years shall close on the thirtieth day of November.

Valuation of
previous year
to be taken
as a basis.

SECTION 2. Section five of chapter three hundred and eighty-one of the acts of the year nineteen hundred and five, as amended by section three of chapter two hundred and sixty-eight of the acts of the year nineteen hundred and six, is hereby further amended by striking out the words "the year nineteen hundred and four", in the twenty-first line, and inserting in place thereof the words: — each previous year, — and by adding at the end of said section as amended the following: — In case of emergency, or where there is great or immediate danger of the increase or spread of the moths due to the neglect of any city or town to comply with the terms of this act, the superintendent, with the consent of the governor, may initiate or continue the work of suppressing the moths within the limits of such city or town for such a period as the superintendent may deem necessary. The cost of such work, including that done on private estates, less any sum due from the state by way of reimbursements on account of said work, shall be certified by the superintendent to the treasurer of the Commonwealth, and be collected by him as an additional state tax upon the city or town so failing to comply with the requirements of the law. The superintendent may also in case of emergency, subject to the approval of the governor, carry on wholly or in part such operations as may be necessary to check the spreading of the gypsy or brown tail moth in parks not under the control of the Commonwealth, and in cemeteries, woodlands and other places of public resort. The amount to be so expended in any one year shall not exceed ten per cent of the appropriations made for the year by the state for the purpose of suppress-

1905, 381, § 5,
etc., amended.

Superintendent to order expenditures in certain cases.

Proviso.

Penalty.

Superintendent may initiate work in certain cases.

ing said moths, — so that the section as amended will read as follows: — *Section 5.* When, in the opinion of the superintendent, any city or town is not expending a sufficient amount for the abatement of said nuisance, or is not conducting the necessary work in a proper manner, then the superintendent shall, with the advice and consent of the governor, order such city or town to expend such an amount as the superintendent shall deem necessary, and in accordance with such methods as the superintendent, with the consent of the governor, shall prescribe: *provided*, that no city or town where the assessed valuation of real and personal property exceeds six million dollars shall be required to expend, exclusive of any reimbursement received from the Commonwealth, during any one full year more than one fifteenth of one per cent of such valuation, and that no town where the assessed valuation of real and personal property is less than six million dollars shall be required to expend, exclusive of any reimbursement received from the Commonwealth, during any one full year more than one twenty-fifth of one per cent of such valuation. For the purposes of this section the valuation of each previous year shall be used.

Any city or town failing to comply with the directions of the said superintendent in the performance of said work within the date specified by him shall pay a fine of one hundred dollars a day for failure so to do; said fine to be collected by information brought by the attorney-general in the supreme judicial court for Suffolk county.

In case of emergency, or where there is great or immediate danger of the increase or spread of the moths due to the neglect of any city or town to comply with the terms of this act, the superintendent, with the consent of the governor, may initiate or continue the work of suppressing the moths within the limits of such city or town for such a period as the superintendent may deem necessary. The cost of such work, including that done on private estates, less any sum due from the state by way of reimbursements on account of said work, shall be certified by the superintendent to the treasurer of the Commonwealth, and be collected by him as an additional state tax upon the city or town so failing to comply with the requirements of the law. The superintendent may also in case of emergency, subject to the approval of the governor, carry on wholly

or in part such operations as may be necessary to check the spreading of the gypsy or brown tail moth in parks not under the control of the Commonwealth, and in cemeteries, woodlands and other places of public resort. The amount to be so expended in any one year shall not exceed ten per cent of the appropriations made for the year by the state for the purpose of suppressing said moths.

SECTION 3. The last paragraph of section seven of said chapter three hundred and eighty-one, as amended by section five of chapter two hundred and sixty-eight of the acts of the year nineteen hundred and six, is hereby further amended by striking out the word "received", in the eighth line of said last paragraph as amended, and inserting in place thereof the word: — assessed, — so that said last paragraph will read as follows: — If, in the opinion of the assessors, the owner of an estate upon which an assessment as aforesaid has been made is, by reason of age, infirmity or poverty unable to pay the assessment, they may upon application abate the same. Every city or town in rendering an account to the state auditor as provided for in section four of this act shall deduct from such amount as it has expended the total amount it has assessed for work performed under section six of this act during the term covered by the account: *provided*, such work was performed under such conditions as require reimbursement in whole or in part by the state.

1905, 381, § 7,
etc., amended.

Assessments
may be
abated.

Proviso.

SECTION 4. Section twelve of said chapter three hundred and eighty-one is hereby amended by striking out the words "the year nineteen hundred and four", in the second line, and inserting in place thereof the following: — each previous year, — so as to read as follows: — *Section 12.* Valuations of real and personal property of each previous year shall govern the provisions of this act.

1905, 381, § 12,
amended.

Valuations of
previous year
to govern.

SECTION 5. This act shall take effect upon its passage.

Approved June 15, 1907.

AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO BORROW
MONEY FOR SEWERAGE PURPOSES.

Chap. 522

Be it enacted, etc., as follows:

SECTION 1. The town of Stoneham, for the purposes mentioned in chapter two hundred and twelve of the acts of the year eighteen hundred and ninety-six, is hereby

Stoneham
Sewer Loan,
Act of 1907.

authorized to borrow a sum not exceeding ten thousand dollars, and to issue therefor bonds to be denominated on the face thereof, Stoneham Sewer Loan, Act of 1907. Such bonds shall bear interest at a rate not exceeding four per cent per annum and shall be signed by the treasurer of the town and countersigned by the board of public works. Of the sum so borrowed five thousand dollars shall be payable in the year nineteen hundred and twenty-seven and five thousand dollars in the year nineteen hundred and twenty-eight, and said amounts shall be raised by taxation in the said years respectively, in the same manner in which other taxes are assessed and collected.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1907.

Chap. 523 AN ACT TO PROVIDE FOR ENLARGING AND IMPROVING THE ENTRANCE TO WEST BAY AT OSTERVILLE.

Be it enacted, etc., as follows:

Enlarging, etc.,
the entrance
to West bay
at Osterville.

SECTION 1. The board of harbor and land commissioners is hereby directed to improve the entrance to West bay, so-called, at Osterville, in the town of Barnstable, in the following manner: — First. — By removing the existing westerly jetty and constructing a new stone jetty of such dimensions and in such location westerly of the existing jetty as the board may deem best. Second. — By strengthening and improving the existing easterly jetty in such manner as the board may deem best. Third. — By excavating the channel between the new jetties to such width and depth, not less than six feet, and for such distance across the bay as the board may find advisable, the banks of said channel to be protected by stone riprap so far as may be necessary. And for the purpose of carrying out these improvements, the board may expend a sum not exceeding ten thousand dollars.

Owners to
release claims
for damages,
etc.

SECTION 2. Before undertaking said improvements, the said board shall obtain from the owner or owners of the beach through which the widening of the channel is to be constructed or in front of which the new jetty is to be built, the right to make the excavation and to build and maintain the jetties, together with a release of any claim for damages against the Commonwealth, the board of harbor and land commissioners, its officers or agents, or persons con-

tracting with it, by reason of trespass, injury to any lands, easements, licenses or rights, in consequence of the making of said improvements, or the doing of any other thing authorized in connection therewith.

SECTION 3. This act shall take effect upon its passage.

Approved June 15, 1907.

AN ACT TO PREVENT WASTE OF WATER IN CITIES AND TOWNS SUPPLIED FROM THE SOURCES OR WORKS OF THE METROPOLITAN WATER DISTRICT.

Chap. 524

Be it enacted, etc., as follows:

SECTION 1. All cities, towns, districts or corporations which derive all or any part of their water supply from the metropolitan water works or from sources used by or under the control of the metropolitan water district shall after December thirty-first, nineteen hundred and seven, equip with water meters all water services thereafter installed for them, and shall also annually equip with water meters five per cent of the water services which were unmetered on December thirty-first, nineteen hundred and seven; and shall also thereafter charge each consumer in proportion to the amount of water used: *provided*, that no city, town or district shall, in any one year, contract for more than the number of meters to be installed by it during that year under the provisions of this act; and *provided*, also, that a minimum rate may be fixed for which the consumer shall be entitled to a stated quantity of water.

Certain cities and towns to equip water service with meters, etc.

Provisos.

SECTION 2. The provisions of this act shall not apply to the water service for fire purposes only of any city, town, fire district or individual, nor shall such service be taken into consideration in computing metered water service. All water used for the supply of public buildings or other premises under the control of a city, town or district, and all water used from the public works for the flushing of sewers, watering of streets and all other purposes, except for the extinguishment of fires, may be paid for by the city, town or district.

How provisions of act shall apply.

SECTION 3. Meters shall receive the necessary care and maintenance to secure proper efficiency and shall be tested or replaced by the city, town, district or water company whenever there is reason to believe that the records furnished by them are inaccurate, or whenever the service

Care and maintenance of meters, etc.

furnished is in other respects inefficient. Cities, towns, districts and corporations may make rules and regulations relative to the care, maintenance and protection of meters, and for properly ascertaining and recording the amount of water actually used during specified periods by each water consumer. Proceedings for the enforcement of this act shall be instituted and prosecuted by the attorney-general upon complaint of any party in interest.

Proceedings
for enforce-
ment.

SECTION 4. This act shall take effect upon its passage.

Approved June 15, 1907.

Chap.525 AN ACT TO AUTHORIZE THE TRUSTEES OF THE WORCESTER INSANE HOSPITAL TO GRANT TO THE CITY OF WORCESTER THE RIGHT TO USE AND OCCUPY CERTAIN LAND FOR PUBLIC PURPOSES.

Be it enacted, etc., as follows:

Certain land
of the
Worcester
insane hospital
to be released
to the city of
Worcester.

SECTION 1. The trustees of the Worcester insane hospital are hereby authorized to enter into an agreement with the park commissioners of the city of Worcester whereby the land of said trustees in said city lying east of Lake Boulevard and west of Lake Quinsigamond may be used for park purposes, subject to all the provisions of law now or hereafter in force relative to public parks, and the care, management and control of said land is hereby entrusted to said commissioners under such regulations and restrictions as may be agreed upon: *provided, however*, that no buildings or structures be erected on said land, except with the joint consent and approval of said trustees and said commissioners and then only for public purposes.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1907.

Chap.526 AN ACT TO PROVIDE FOR PURCHASING, CONSTRUCTING AND MAINTAINING CERTAIN ARMORIES BY THE COMMONWEALTH.

Be it enacted, etc., as follows:

1905, 465, § 12,
amended.

SECTION 1. Section twelve of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five is hereby amended by striking out the words "quarter-master general and", in the thirteenth line, — so as to read as follows: — *Section 12.* The staff of the commander-in-chief shall consist of an adjutant general, who shall, ex

Staff of the
commander-
in-chief.

officio, be chief of staff, a surgeon general and an inspector general, a commissary general, a quartermaster general and a judge advocate general, each with the rank of brigadier general; an assistant adjutant general, and an inspector general of small arms practice, each with the rank of colonel; six assistant inspectors general, five with the rank of lieutenant colonel and one with corresponding naval rank; an assistant quartermaster general and four aides-de-camp, each with the rank of major. In time of peace the adjutant general, unless otherwise directed by the commander-in-chief, shall be commissary general. In time of war the commander-in-chief may appoint such additional staff officers as the service may require, with such rank, not higher than that of colonel, as he may designate. All staff officers shall be commissioned and hold office until their successors are appointed and qualified, but they may be removed at any time by the commander-in-chief.

No person shall be eligible to appointment on the staff of the commander-in-chief unless he has served at least three years in the volunteer militia of the Commonwealth, or unless he has been honorably discharged or retired from the military or naval service of the United States.

Certain persons not eligible.

SECTION 2. Section one hundred and ten of said chapter four hundred and sixty-five, as amended by section nine of chapter five hundred and four of the acts of the year nineteen hundred and six, is hereby further amended by striking out the words "suitable grounds for parade, drill, and small arms practice", in the seventh and eighth lines, — so as to read as follows: — *Section 110.* The mayor and aldermen, or the selectmen, shall provide for each command of the volunteer militia, or detachment thereof, permanently stationed within the limits of their respective cities and towns, a suitable hall for the purpose of drill, and suitable rooms annexed thereto for the meetings of the command, for administrative work, and for the safe keeping of military property; and suitable rooms for each headquarters permanently located within their said limits, for administrative work, for the assembling of officers for instruction, and for the safe keeping of military property; and they shall provide for every such armory and headquarters the necessary fuel, lights, water, telephone service, janitor service, and necessary repairs, or shall make a reasonable allowance therefor. Any city or town failing to

1905, 465, § 110, etc., amended.

Cities and towns to provide armories, etc.

comply with the provisions of this section shall forfeit to the Commonwealth not more than five thousand dollars, any amount so forfeited to be credited to the armory appropriation for the fiscal year in which such forfeiture shall occur.

1905, 465,
§ 111, etc.,
amended.

SECTION 3. Section one hundred and eleven of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out the words "and a suitable range for small arms practice", in the fifth and sixth lines, so as to read as follows:—*Section 111.* Where two or more commands of the volunteer militia are permanently stationed in the same city or town, the mayor and aldermen, or the selectmen, may, if practicable, provide for said commands a suitable hall for drill, to be used by them in common, provided that in every other respect the provisions of section one hundred and ten are complied with. When practicable, headquarters shall be established in armories provided for their respective commands, or units thereof. When a company is formed by men residing in different cities or towns, the permanent location for its armory shall be determined by the vote of a majority of its members, subject to the approval of the adjutant general.

Suitable hall
for drill to be
provided.

1905, 465,
§ 113, etc.,
amended.

SECTION 4. Section one hundred and thirteen of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out said section and inserting in place thereof the following:—*Section 113.* The mayor and aldermen or the selectmen shall provide for each command of the volunteer militia or detachment thereof permanently stationed within the limits of their respective cities and towns suitable grounds for parade, drill and small arms practice. Any city or town failing to comply with this provision shall forfeit to the Commonwealth not more than five thousand dollars, any amount so forfeited to be credited to the armory appropriation for the fiscal year in which the forfeiture occurs. When two or more commands of the volunteer militia are permanently stationed in the same city or town, the mayor and aldermen or the selectmen may, if practicable, provide for said commands a suitable range for small arms practice, to be used by them in common, provided that in every other respect the foregoing provisions of this section are complied with.

Cities and
towns shall
provide
suitable
grounds for
drill, etc.

Cities and towns in which headquarters, commands or detachments of the volunteer militia are permanently stationed may raise money by taxation or otherwise for the purpose of acquiring land for drill grounds or ranges for small arms practice.

SECTION 5. Section one hundred and fourteen of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out the word "adjutant", in the thirty-first and thirty-third lines, and inserting in place thereof in each case the word:—quartermaster,—so as to read as follows:—*Section 114.* For each armory, other than an armory of the first class, maintained by a city or town in a building constructed or provided for the exclusive use and occupancy of the volunteer militia, no portion thereof being devoted to any other purpose except in accordance with the later provisions of this section or with those of section one hundred and twenty-three, there annually shall be allowed and paid by the Commonwealth the following amounts: for the rental of an armory in which are quartered not more than two companies, not to exceed twelve hundred dollars, and further sums not to exceed four hundred dollars for each company or two hundred dollars for each headquarters quartered in said armory in addition to the two companies first named: *provided, however,* that the aggregate sum allowed as rental for said armory shall not exceed four per cent of the total cost thereof, including the amounts paid for both land and building; for all other expenses of the maintenance of an armory maintained under the provisions of this section in which are quartered not more than two companies, not to exceed six hundred dollars, and further sums not to exceed one hundred dollars for each company or fifty dollars for each headquarters in addition to the two first named companies, and quartered in the same building therewith. Armories constructed or provided and maintained under the provisions of this section shall be designated and known as armories of the second class. Cities and towns constructing or maintaining armories of the second class, as herein provided, may by enlargements or additions thereto, in accordance with plans approved by the quartermaster general, provide rooms for municipal or town offices. The cost of such additions or enlargements shall be ascertained

1905, 465,
§ 114, etc.,
amended.

Expense of
maintaining
armories, etc.

Proviso.

to the satisfaction of the quartermaster general, and allowances for rents of such armories, so far as the same may be based upon the cost thereof, shall exclude the cost of said additions or enlargements. The amount to be allowed to a corps of cadets shall be determined by the commander-in-chief, but shall not exceed the allowance which would be made in the aggregate to a battalion of four companies and the headquarters thereof when quartered in an armory of the second class.

1905, 465,
§ 115, etc.,
amended.

Armory com-
missioners,
appointment,
etc.

SECTION 6. Section one hundred and fifteen of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out said section and inserting in place thereof the following: — *Section 115.* The governor, with the advice and consent of the council, shall appoint a regimental commander, who, together with the adjutant general and the quartermaster general, shall be armory commissioners. The adjutant general shall serve without compensation; the quartermaster general and the regimental commander shall receive such pay for duty performed as the commander-in-chief shall order. In addition to these three persons, the senior officer of the troops to be quartered in any armory shall be a consulting member of the armory commission during the period of construction of such armory, but shall have no vote as a member of said commission, and shall serve thereon without compensation other than reimbursement for expenses actually incurred in the performance of his duty.

The armory
commission-
ers to have
control of
armories, etc.

The armory commissioners shall have full supervision and control of the construction of all armories erected by the Commonwealth, and on the completion and acceptance of any such armory the care and maintenance thereof, as well as the care and maintenance of all armories belonging to the Commonwealth, shall devolve upon the quartermaster general, who shall be provided with the following clerical assistants: one superintendent of armories, with a salary of eighteen hundred dollars per annum; two clerks, with salaries of eighteen hundred dollars and twelve hundred dollars per annum, respectively; one stenographer, with a salary of nine hundred dollars per annum. The actual transportation expenses of the superintendent of armories, in visiting the various armories of the state, under the direction of the quartermaster general, shall be paid from the

appropriation for the transportation of the militia. The superintendent of the arsenal, now rated as clerk in the adjutant general's department, is hereby transferred with the same rating and pay, to the quartermaster general's department, as a clerk in addition to the clerks above named.

SECTION 7. Section one hundred and sixteen of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out said section and inserting in place thereof the following: — *Section 116.* The armory commissioners shall construct armories, not exceeding three yearly, until such time as the volunteer militia shall be provided with adequate quarters, the location of the armories so to be constructed shall be designated by the adjutant general and approved by the commander-in-chief. The armory commissioners shall thereupon acquire by purchase or otherwise suitable lots of land in the respective cities and towns designated, and shall erect, furnish and equip thereon armories sufficient for one or more companies of militia, and for such other commands or headquarters thereof permanently stationed in any such city or town as they may deem necessary; but no land shall be acquired and no buildings shall be erected until the site and plans thereof, respectively, and the total cost to be authorized therefor, have been approved by the governor and council. The said commissioners shall cause to be recorded in the registry of deeds for the county and district in which the land lies, a description of the land so taken, as certain as is required in an ordinary conveyance of land, with a statement signed by the commissioners that it is taken for the Commonwealth; and thereupon title to the land so taken shall vest in the Commonwealth. The act and time of filing the said description shall be the act and time of taking such land, and notice to all persons that the same has so been taken.

The armory commissioners may, by agreement with the owner of the land taken, determine the value thereof, and, in default of such agreement, either party may have a jury in the superior court to determine such value in the manner provided for the determination of damages for land taken for laying out highways, if the petition therefor is filed in the clerk's office of the superior court for the county in which the land lies within one year after the taking. The

1905. 465,
§ 116, etc.,
amended.

The commis-
sioners to
continue con-
struction of
armories, etc.

Description of
land taken
to be recorded.

Jury may be
had to deter-
mine value of
land taken,
etc.

amount determined by agreement of said commissioners or by verdict as the value of any property so purchased or taken shall be paid from the treasury of the Commonwealth upon the execution of such release or conveyance as shall be prescribed by the attorney-general.

1905, 465,
§ 117, etc.,
amended.

Title to land,
etc., to vest
in the Com-
monwealth.

SECTION 8. Section one hundred and seventeen of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out said section and inserting in place thereof the following: — *Section 117.* The armory commissioners may, by agreement with the mayor and aldermen of any city or the selectmen of any town in which is located an armory of the second class, determine the value of the land and buildings, and upon the approval of such agreement by the governor and council may purchase and acquire the said armory for and in the name of the Commonwealth, and thereupon title to the land and buildings so purchased and acquired shall vest absolutely in the Commonwealth.

The armories
of certain
organizations
may be
purchased, etc.

The armory commissioners may by agreement with the owners of the armory of the first corps of cadets in the city of Boston, of the armory of the second corps of cadets in the city of Salem, and of the armory of company E, fifth regiment, in the city of Medford, determine the value of the land and buildings, and upon the approval of such agreement by the governor and council may purchase and acquire for and in the name of the Commonwealth any or all of such armories.

1905, 465,
§ 118, etc.,
amended.

Armory Loan
Bonds.

SECTION 9. Section one hundred and eighteen of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out said section and inserting in place thereof the following: — *Section 118.* To meet the expenses incurred under the preceding two sections, the treasurer and receiver general shall, with the approval of the governor and council, issue registered or coupon bonds in the name and behalf of the Commonwealth and under its seal, for terms not exceeding thirty years, with interest not exceeding four per cent per annum, payable semi-annually on the first days of March and September. They shall be designated on the face thereof, Armory Loan Bonds, and shall be countersigned by the governor. The treasurer and receiver general shall, on issuing said bonds, establish

a sinking fund and shall apportion thereto annually an amount sufficient with its accumulations to extinguish the debt at maturity. The amount required each year to pay the interest and sinking fund requirements shall be raised annually by taxation.

SECTION 10. Section one hundred and nineteen of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out said section and inserting in place thereof the following: — *Section 119.* The armory commissioners shall take for and in the name of the Commonwealth all armories of the first class completed or in process of construction, and shall cause to be recorded in the registry of deeds for the county and district in which the land lies a description of the land and buildings so taken, as certain as is required in an ordinary conveyance of land, with a statement signed by the commissioners that they are taken for the Commonwealth, and thereupon title to the land and buildings so taken shall vest absolutely in the Commonwealth. Armories built by the armory commission under the provisions of sections one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, one hundred and eighteen and one hundred and nineteen of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, or the corresponding provisions of earlier laws, and armories hereafter erected under the provisions of this act, shall be designated and known as armories of the first class. Upon the taking by the armory commissioners of armories of the first class, completed or in process of construction, the treasurer and receiver general shall pay to the respective cities and towns in which such armories are located, an amount equal to the amounts heretofore respectively paid by such cities and towns as sinking fund requirements, together with the accumulations of said amounts, less the amounts heretofore paid by the Commonwealth to said cities and towns, respectively, as rental for said armories of the first class after completion; and thereupon the said cities and towns shall be relieved of the obligation heretofore resting upon them, respectively, to pay each year the interest and sinking fund requirements of their respective armory loans. The armory loans heretofore issued are hereby ratified and confirmed, and to meet the interest and

1905, 465,
§ 119, etc.,
amended.

Description of
land and
buildings used
as armories to
be recorded,
etc.

Armories of
the first class.

Armory loans
ratified and
confirmed, etc.

sinking fund requirements of the same, the treasurer and receiver general shall apportion to the sinking fund from year to year an amount sufficient with the accumulations of said fund and the amount now therein to extinguish at maturity the debt incurred by all bonds issued by the Commonwealth for armories. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised annually by taxation. Any premium over the par value of said bonds received from the sale thereof shall form part of the sinking fund for their redemption.

1905, 465,
§ 120, etc.,
amended.

Cities and
towns relieved
of certain
obligations.

SECTION 11. Section one hundred and twenty of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out said section and inserting in place thereof the following:—*Section 120.* Upon the taking for and in the name of the Commonwealth of any armory of the first or second class, the adjutant general shall notify the city or town in which such armory is located, and thereupon all the obligations of said city or town under sections one hundred and ten and one hundred and eleven of this act shall cease, and all allowances and payments by the Commonwealth for rent shall also cease.

Armories to
be under the
control of the
commander-
in-chief.

All armories taken, acquired or erected under the provisions of this act shall be under the control of the commander-in-chief, and shall be cared for and maintained by the Commonwealth, and the necessary expenditures for care and maintenance shall be made subject to the approval of the quartermaster general.

1905, 465,
§ 121, etc.,
amended.

Cities and
towns to
make annual
returns, etc.

SECTION 12. Section one hundred and twenty-one of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out said section and inserting in place thereof the following:—*Section 121.* The mayor and aldermen of a city or the selectmen of a town providing an armory or armories, or headquarters, for the use of the volunteer militia, shall annually on or before the first day of February make returns thereof to the quartermaster general on blank forms to be provided by him.

Statements to
be sworn to,
etc.

All statements contained therein shall be sworn to by at least two members of the board of aldermen or by two of the selectmen of each city or town concerned. All such returns shall give the designation and location of each

armory or headquarters, the name of each command or headquarters therein located, the rental paid or charged for the same, and, when required by the classification of such armories or headquarters, the expenses incurred in heating, lighting, and repairing the same, in furnishing water, telephones and janitor service, as well as the aggregate cost of the land and building. The quartermaster general shall examine each return so made and shall allow or disallow, in whole or in part, the sums so returned, his decision being subject to review and amendment by the commander-in-chief. He shall, not later than March first of each year, file with the auditor his certificate, stating the sum allowed for each armory, the name of the command or headquarters occupying the same, and the city or town making the return, and thereupon he shall notify the mayor or the selectmen of the sum allowed, which shall be paid to such city or town: *provided, however*, that no return received by the quartermaster general after the first day of February shall be allowed.

Proviso.

SECTION 13. Section one hundred and twenty-two of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby further amended by striking out said section and inserting in place thereof the following: — *Section 122.* Every officer whose command occupies, assembles or drills in any armory, drill hall or building used according to law for such purpose, shall have control of such premises during the period of occupation, subject to orders of his superior officers; and any person who intrudes contrary to his orders or to the orders of his superior officers, or who interrupts, molests, obstructs or insults the troops or any of them so occupying such premises, may be ejected, forcibly, if necessary, or may be dealt with as provided in sections one hundred and forty-seven and one hundred and forty-eight for like offenses, at the discretion of such officer or of his superior officers; but in armories of the second and third classes reasonable inspection of the premises may be made by the mayor and aldermen or by the selectmen, or by the owners of the premises, if such inspection is according to the terms of the lease.

1905, 465,
§ 122, etc.,
amended.

Officers of the
militia to
have certain
control, etc.

SECTION 14. Section one hundred and twenty-three of said chapter four hundred and sixty-five, as amended by section nine of said chapter five hundred and four, is hereby

1905, 465,
§ 123, etc.,
amended.

Use of
armories, etc.

Proviso.

When to take
effect.

further amended by striking out said section and inserting in place thereof the following: — *Section 123.* Armories provided for the militia shall not be used except by the organized militia for such military purposes or purposes incidental thereto as may be designated by the commander-in-chief: *provided, however,* that the commander-in-chief, upon terms and conditions to be prescribed by him and upon an application approved by the military custodian of an armory provided in any city or town for the militia, may allow the temporary use of such armory for public purposes. The compensation fixed by the commander-in-chief for every such temporary use shall be paid to the treasurer and receiver general within ten days after the occupation of the armory for such temporary use ceases, accompanied by the certificate of the quartermaster general that the sum so paid is the correct amount; and all moneys so received shall be paid into the treasury of the Commonwealth.

SECTION 15. This act shall take effect on the second day of December in the year nineteen hundred and seven.

Approved June 15, 1907.

Chap.527 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE WRENTHAM STATE SCHOOL.

Be it enacted, etc., as follows:

Wrentham
state school.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance of the Wrentham state school during the remainder of the fiscal year ending on the thirtieth day of November, nineteen hundred and seven.

SECTION 2. This act shall take effect upon its passage.

Approved June 17, 1907.

Chap.528 AN ACT TO AUTHORIZE THE SOCIETY FOR PROPAGATING THE GOSPEL AMONG THE INDIANS AND OTHERS IN NORTH AMERICA TO FIX THE DATE OF ITS ANNUAL MEETING AND THE NUMBER OF ITS STATED GENERAL MEETINGS.

Be it enacted, etc., as follows:

Annual meet-
ing of the
Society for
Propagating
the Gospel

SECTION 1. The Society for Propagating the Gospel among the Indians and others in North America may fix the date of its annual meeting and may determine the

number of its stated general meetings to be held in each year; and the treasurer shall not be required to exhibit a particular account of the stock and disbursements at any stated general meeting except the annual meeting unless requested to do so by a vote of the society. among the
Indians, etc.

SECTION 2. Anything in the charter of the said society, incorporated by an act passed November nineteen, seventeen hundred and eighty-seven, which is inconsistent with section one of this act is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved June 17, 1907.

AN ACT RELATIVE TO THE PURIFICATION OF MYSTIC RIVER, ALEWIFE BROOK AND ADJACENT WATER COURSES, PONDS AND DRAINAGE AREAS. Chap. 529

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter five hundred and twenty-nine of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "tributaries", in the fourth line, the words:— and Spy pond, — by striking out the word "and", at the end of the same line, by inserting after the word "tributaries", in the fifth line, the words:— and pond, — and by adding at the end thereof the words:— and shall, if any changes are made in the shores, bottom or outlet of Spy pond, leave the same in as good sanitary condition as at the present time. Such portions of the bottom of Spy pond as may be made dry land by the work contemplated by this act and not required for park or parkway purposes as herein below provided, shall, so far as owned by the Commonwealth, become the property of the owners of the adjoining upland, — so as to read as follows:— *Section 1.* The metropolitan park commission shall, in connection with the construction of a dam in Mystic river, make improvements in and about Alewife brook and its tributaries and Spy pond and the drainage areas of said brook, tributaries and pond, substantially in accordance with the report of the state board of health under section two of chapter four hundred and forty-five of the acts of the year nineteen hundred and four, and shall, if any changes are made in the shores, bottom or outlet of Spy pond, leave the same in as good sanitary condition as at the present time. Such portions of the bottom of Spy pond as may be made dry 1906, 529, § 1,
amended.

Improvements
in the drainage
of Alewife
brook, etc.

land by the work contemplated by this act and not required for park or parkway purposes as herein below provided, shall, so far as owned by the Commonwealth, become the property of the owners of the adjoining upland.

1906, 529, § 2,
amended.

SECTION 2. Section two of said chapter five hundred and twenty-nine is hereby amended by striking out the words "situated within five hundred feet", in the fifth and sixth lines, and inserting in place thereof the words: — necessary for the carrying out of the purposes of this act, — and by adding at the end thereof the words: — Said commission shall do the work of construction under this act unless the detailed plans of construction have been disapproved by either of the mayors of the cities or by the selectmen of either of the towns interested, provided such disapproval is received by said commission within thirty days after the presentation of said plans by said commission to the mayors of said cities and to the selectmen of said towns. In the event of any such disapproval this act shall be void and of no effect, — so as to read as follows:

Lands and
flats may be
taken, etc.

— *Section 2.* For the purpose of carrying out the provisions of this act said commission may from time to time take in fee or otherwise, by purchase or otherwise, for the Commonwealth, lands, flats and lands covered with water, easements, rights and other property necessary for the carrying out of the purposes of this act on either side of the centre of the channel of said brook and tributaries, by filing in the registry of deeds for Middlesex county a description thereof sufficiently accurate for identification, signed by a majority of the commission. Said commission may construct and maintain under any public way or railroad location any drain or other structure in such manner as not unnecessarily to obstruct travel thereon and may change the location of said brook and any of said tributaries where the same crosses a public way or railroad location and elsewhere and shall have all other powers necessary to carry out the purpose of this act. Said commission shall do the work of construction under this act unless the detailed plans of construction have been disapproved by either of the mayors of the cities or by the selectmen of either of the towns interested, provided such disapproval is received by said commission within thirty days after the presentation of said plans by said commis-

sion to the mayors of said cities and to the selectmen of said towns. In the event of any such disapproval this act shall be void and of no effect.

SECTION 3. Section three of said chapter five hundred and twenty-nine is hereby amended by inserting after the word "hundred", in the fifth line, the words:—and twenty-five,—so as to read as follows:—*Section 3.* To meet the expenses incurred under this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one hundred and twenty-five thousand dollars, as an addition to the amounts already authorized under the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in addition thereto and in amendment thereof and as a part of the Metropolitan Parks Loan, and subject to the provisions thereof. Such scrip or certificates of indebtedness shall be issued as registered bonds, payable in not exceeding twenty years from the date of issue, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of January and July of each year.

1906, 529, § 3, amended.

Treasurer and receiver general may issue scrip, etc.

SECTION 4. Section four of said chapter five hundred and twenty-nine is hereby amended by inserting after the word "hundred", in the second line, the words:—and twenty-five,—and by striking out all after the word "manner", in the fourth and fifth lines, and inserting in place thereof the words:—forty-seven per cent thereof by the city of Cambridge, twelve per cent thereof by the city of Somerville, twenty-four per cent thereof by the town of Arlington, and seventeen per cent thereof by the town of Belmont,—so as to read as follows:—*Section 4.* The cost of such improvements shall not exceed the sum of one hundred and twenty-five thousand dollars, and shall be paid by the cities of Cambridge and Somerville and the towns of Arlington and Belmont, in the following manner:—forty-seven per cent thereof by the city of Cambridge, twelve per cent thereof by the city of Somerville, twenty-four per cent thereof by the town of Arlington, and seventeen per cent thereof by the town of Belmont.

1906, 529, § 4, amended.

Cost of improvements to be paid by certain cities and towns.

SECTION 5. Section five of said chapter five hundred and twenty-nine is hereby amended by striking out the

1906, 529, § 5, amended.

Treasurer to determine amount to be paid by the several cities and towns.

words "Upon the acceptance of said award", in the first line, and by striking out the words "said award", in the third and fourth lines, and inserting in place thereof the words: — the provisions of section four of this act, — so as to read as follows: — *Section 5.* The treasurer and receiver general of the Commonwealth shall determine the amount to be paid in accordance with the provisions of section four of this act by each of said cities and towns as their proportion of the cost of said improvements and shall collect the same, with interest at the current rates, in the sum charged to each of said cities and towns in the apportionment and assessments of its state tax for the succeeding twenty years until the final sum to be paid by each city and town has been fully paid. The assessments thus paid shall be credited and added to the Metropolitan Parks Loan Sinking Fund.

SECTION 6. This act shall take effect upon its passage.

Approved June 19, 1907.

Chap. 530 AN ACT TO REVOKE CERTAIN LOCATIONS FOR LINES OF ELEVATED RAILWAY GRANTED TO THE BOSTON ELEVATED RAILWAY COMPANY IN THE CITY OF BOSTON AND VICINITY.

Be it enacted, etc., as follows:

Certain locations for lines of elevated railways revoked.

SECTION 1. The following locations for lines of elevated railway of the Boston Elevated Railway Company, to wit: from City square to and through Warren avenue, to and over Warren bridge across Charles river, to and through Beverly street, to and through Haymarket square, to and through Union street, to and through Dock square, to and through a new street to be built by the city, of the width of eighty feet, in the line of Congress street, between State street and Dock square, to and through Congress street and Post Office square, to and through Federal street, to and over Federal street bridge or a new bridge across Fort Point channel, to and through Dorchester avenue to the Milton line.

A branch railway through Alford street, to and over Malden bridge, to and through Main street, Everett, to the Malden line.

A branch railway from Everett square, to and through Chelsea and Ferry streets to the Malden line.

A branch railway from the junction of Broadway and

Main street, Everett, to and through Broadway to the Malden line.

Certain locations for lines of elevated railways revoked.

A branch railway from said City square to and through Chelsea street, to and over Chelsea bridge or a new bridge across the Mystic river, to and through Broadway, Chelsea, to and through Broadway, Revere, to and through Central avenue, to and through Beach street to Crescent beach.

A branch railway from Fenno's Corner, Revere, to and through Beach street, to and through Winthrop avenue to Beachmont.

A branch railway from Dorchester avenue to and through West Broadway, to and through Dorchester street, to and through East Second street to City Point at Marine Park. Also a branch railway from Dorchester avenue to Sixth street, thence to D street, D street to Eighth street, Eighth street to L street, L street to Sixth street to City Point and Marine Park.

A branch railway from Field's Corner through Neponset avenue to Neponset bridge.

From a point on Bow street in Somerville, near its junction on Walnut street, through Bow street, to and through Union square, to and through Webster avenue to the Cambridge line.

From Causeway street through Portland street, to and through Merrimac street, to and through Washington street, to and through Dock square, to and through Devonshire street, to and through Franklin street, to and through Arch street, to and through Chauncy street, to and through Harrison avenue, to Beach street, to and through Kneeland street, to Washington street.

From Warren street through Dudley street to Blue Hill avenue, to and through Blue Hill avenue to Vaughn street.

Commencing at a point on the southerly side of the approach to the Cambridge bridge, through Charles street in Boston, to and through Park square, to and through Pleasant street, to and through Tremont street, to and through Columbus avenue, to and through Center street to the corner of May street.

A branch railway from Park square to and through Columbus avenue, to and over the location of the Boston and Albany railroad, or by some other convenient route or way, to and through Huntington avenue, to and through

Certain locations for lines of elevated railways revoked.

Tremont street, to and through Washington street in Brookline to Village lane.

From the Cambridge line over Cambridge street bridge or a new bridge over Charles river, Cambridge street in that part of Boston called Brighton, to and through Cambridge street in said Brighton, to and through Washington street to Oak square.

From North Russell street through Cambridge street, to and through Bowdoin square, to and through Court street, to and through Brattle street to Dock square.

A branch railway from Park square to and through Eliot street to Kneeland street.

From Main street in Charlestown through Essex street and Rutherford avenue to Sullivan square, in that part of Boston known as Charlestown.

Commencing at a point on Washington street at or near Fay street; thence upon and over private lands, and crossing Dover street, Shawmut avenue, Hingham, Middlesex, Emerald, Compton, Lucas and Paul streets. From Dudley street upon and over Guild row and Roxbury street to Washington street.

Commencing at the corner of Harrison avenue and Beach street, upon and over Harrison avenue to Essex street; and thence upon and over Essex street to Cove street.

Commencing at or near the corner of Motte street and Harrison avenue; thence upon and over Way street, Broadway extension and upon and over the existing bridge or a new bridge to be built across Fort Point channel to West Broadway, in that part of Boston known as South Boston, are hereby revoked: *provided, however*, that this act shall not in any way affect or impair the company's locations for or rights to maintain elevated lines and structures which shall be completed or begun at the time when this act takes effect or which were granted to the company by chapter five hundred and thirty-four of the acts of the year nineteen hundred and two or by chapter five hundred and twenty of the acts of the year nineteen hundred and six, and which have been or may be granted by any acts of the year nineteen hundred and seven.

SECTION 2. This act shall take effect on the eleventh day of June, nineteen hundred and seven.

Approved June 19, 1907.

Proviso.

When to take effect.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF A CERTAIN Chap. 531
CHANNEL IN PLYMOUTH HARBOR.

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby directed to dredge a channel in Plymouth harbor and to dredge a basin for turning vessels at the inner end of the same, substantially in the location shown on the plan accompanying the report of the harbor and land commission for the year nineteen hundred and six. Said channel shall be made as straight as is practicable under existing conditions and shall be of such breadth and depth as, in the discretion of the board, will be necessary in order to make it navigable for sea-going steamships.

Improvement
of a channel
in Plymouth
harbor.

SECTION 2. If the cost of dredging said channel does not exceed the sum of one hundred and sixty thousand dollars, one half thereof shall be paid by the Commonwealth and the other half by the town of Plymouth, but if the cost exceeds the sum of one hundred and sixty thousand dollars, the sum of eighty thousand dollars shall be paid by the Commonwealth and the remainder by the town of Plymouth: *provided, however*, that not more than twenty thousand dollars of the amount to be paid by the Commonwealth shall be expended in any one year. Nothing in this section limiting the amount to be paid by the Commonwealth in any one year shall be construed to direct that said dredging shall continue through four years, or shall not be completed as soon as the board of harbor and land commissioners finds practicable, if the final cost to the Commonwealth is not thereby increased.

One half of
cost to be
paid by the
Common-
wealth, etc.

Proviso.

SECTION 3. The town of Plymouth is hereby authorized and directed to appropriate such sums as may be necessary to pay its proportion of the cost of dredging said channel, and shall pay the same into the treasury of the Commonwealth in such amounts and at such times as the treasurer and receiver general may require.

Town of
Plymouth may
appropriate
money to pay
its proportion.

SECTION 4. For the purpose of raising the sums appropriated as aforesaid, the town of Plymouth is hereby authorized to issue from time to time bonds or notes of the town to be denominated, Plymouth Dredging Loan, Act of 1907, bearing interest, payable semi-annually, at a rate not exceeding four per cent per annum, and payable within such periods, not exceeding twenty years from their dates

Plymouth
Dredging
Loan, Act of
1907.

of issue, as the town from time to time may determine. Except as otherwise provided herein, such bonds or notes shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, but they shall not be reckoned in determining the statutory limit of indebtedness of the town. Said town may also by and through such agents as the town may appoint, enter into contracts or agreements with any corporation, person or persons in regard to the sums of money which said town is to pay under this act.

When to take effect.

SECTION 5. This act shall take effect upon its acceptance by the town of Plymouth by a two thirds vote of the voters present and voting thereon at any town meeting duly called for the purpose. *Approved June 19, 1907.*

Chap.532 AN ACT TO AUTHORIZE THE TRUSTEES OF THE WORCESTER INSANE HOSPITAL TO RELEASE A CERTAIN CLAIM AGAINST THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

Trustees of the Worcester insane hospital may release a claim against the city of Worcester.

SECTION 1. The trustees of the Worcester insane hospital are hereby authorized to release without payment of compensation the claim which they have against the city of Worcester for damages resulting from the taking by said city of certain land belonging to said trustees for the purpose of widening Shrewsbury street in accordance with a decree of the city council of said city approved by the mayor thereof on the fourteenth day of October, nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved June 19, 1907.

Chap.533 AN ACT RELATIVE TO FOREIGN BANKING CORPORATIONS.

Be it enacted, etc., as follows:

Foreign banking corporations may establish a savings department.

SECTION 1. Every foreign banking association or corporation which was on June tenth, nineteen hundred and six, transacting business in this Commonwealth and which receives any deposits or transacts any business in the manner of a savings bank, or in such a manner as might lead the public to believe that its business is that of a savings bank, shall have a savings department in which all business transacted in such manner in this Commonwealth

shall be done. All money received in said manner shall be a special deposit and shall be placed in said savings department, and all loans or investments thereof shall be made in accordance with the statutes governing the investment of deposits in savings banks.

SECTION 2. Such funds and the investments or loans thereof shall be appropriated solely to the security and payment of such deposits, and shall not be mingled with the investments of the capital stock or other money or property belonging to such association or corporation or be liable for the debts or obligations thereof. The accounts and transactions of said savings department shall be kept separate and distinct from the general business of the association or corporation.

Funds, etc., to be kept separate.

SECTION 3. All income received from the investment of funds in said savings department, over and above such sums as may be paid to depositors in that department as interest or dividends, shall accrue as profits to the association or corporation and may be transferred to its general funds.

Income.

SECTION 4. Nothing in this act shall be construed to apply to any deposit received by any such association or corporation in exchange for which deposit, or in exchange for the obligation of a depositor secured by such deposit, there shall be issued, either at the time of receiving the deposit, or thereafter, orders for merchandise for the full amount or any part thereof.

Certain provisions of act construed.

SECTION 5. No such association or corporation shall have more than two offices or places of business in the Commonwealth.

Not to have more than two offices, etc.

SECTION 6. This act shall take effect on the first day of January, nineteen hundred and eight, but nothing herein contained shall be construed as applying to national banks incorporated under the laws of the United States.

When to take effect.

Approved June 19, 1907.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMISSIONER OF WEIGHTS AND MEASURES.

Chap. 534

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint a commissioner of weights and measures for the term of three years from the date of his commission.

Commissioner of weights and measures, appointment.

Inspectors,
salaries, etc.

SECTION 2. The said commissioner may appoint four inspectors, who shall be exempt from the civil service laws. The annual salary of the commissioner shall be two thousand dollars, and of the inspectors twelve hundred dollars each, and they shall give bonds for the faithful performance of their duties. The commissioner shall be allowed for clerical services, travel and contingent office expenses for himself and his inspectors such sum as may be necessary, to be paid out of the treasury of the Commonwealth.

To have care,
custody, etc.,
of standard
weights, etc.

SECTION 3. The commissioner shall assume all such duties pertaining to the care, custody and furnishing of standard weights, measures and balances, and the inspection of weights, measures and balances, and the sale of various articles, as are now imposed on the treasurer and receiver general or upon the deputy state sealer of weights and measures by the Revised Laws and acts in amendment thereof and in addition thereto, and shall have all powers now vested in and may do all acts required of said officers for these purposes. He shall cause to be enforced all laws relating to the using or giving of false or insufficient weights or measures, shall keep a record in detail of the work of his office, and shall annually, during the first week of January, make a report thereof to the general court.

Powers of
inspectors.

SECTION 4. The inspectors shall, under the direction of the commissioner, aid him in performing the duties of his office, and shall have the necessary powers now vested in the deputy state sealer of weights and measures for this purpose.

Cities and
towns to make
annual report.

SECTION 5. Every city and town sealer of weights and measures shall annually during the month of November, make a report of the weights, measures and balances tested, sealed or condemned by him, together with an inventory of the standards and working apparatus in the possession of his city or town, to the commissioner of weights and measures.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved June 19, 1907.

AN ACT TO PROVIDE FOR THE TESTING AND SEALING OF WEIGHTS, MEASURES AND BALANCES HAVING A DEVICE FOR INDICATING THE PRICE AS WELL AS THE WEIGHT OF COMMODITIES OFFERED FOR SALE. *Chap.535*

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter sixty-two of the Revised Laws relating to the adjusting, testing and sealing of weights, measures and balances shall apply to all scales, balances, computing scales and other devices having a device for indicating or registering the price as well as the weight of the commodity offered for sale. All such computing devices shall be tested as to the correctness of both weights and values indicated by them. Testing and sealing of weights, measures, etc.

SECTION 2. A sealer or deputy sealer shall seal such devices when tested and found correct, or shall mark, condemn or seize such devices if incorrect, in accordance with the provisions of said chapter sixty-two applicable to weights, measures and balances, and all penalties imposed by said chapter for violation of the provisions thereof relative to weights, measures and balances shall also be applicable to such devices. Devices to be tested, etc.

SECTION 3. This act shall take effect on the first day of October in the year nineteen hundred and seven. When to take effect.

Approved June 19, 1907.

AN ACT RELATIVE TO THE EXPENSE OF MAINTAINING AND OPERATING THE NEWBURYPORT BRIDGE ACROSS THE MERRIMAC RIVER BETWEEN THE CITY OF NEWBURYPORT AND THE TOWN OF SALISBURY. *Chap.536*

Be it enacted, etc., as follows:

SECTION 1. The expense of maintaining and operating the Newburyport bridge, so-called, across the Merrimac river, between the city of Newburyport and the town of Salisbury, shall in the first instance be paid out of the treasury of the county of Essex. The county commissioners of said county shall have full control of said bridge and shall annually in the month of November submit to the treasurers of the said city and town a true statement of the expense of maintenance and operation; and within thirty days thereafter the said city and the said town shall pay into the treasury of the county of Essex forty per Maintenance, etc., of the Newburyport bridge.

cent of said expense, thirty per cent by the city of Newburyport and ten per cent by the town of Salisbury, and if the said city or the said town shall refuse to pay its proportion as aforesaid, the commissioners may, after a notice to the city or town, as the case may be, issue a warrant for its proportion, with interest and the costs of the notice and the warrant, and the same shall be collected and paid into the treasury of said county to be applied in payment of the expense aforesaid.

Street railway company having location on bridge to pay part of expense.

SECTION 2. Any street railway having a location upon the said bridge shall pay into the treasury of the county of Essex in each year a portion of the total excise and franchise taxes payable by such corporation, equivalent to the proportion of its mileage located on said bridge to its total mileage, determined according to law, toward the expense of keeping said bridge in repair.

Repeal.

Proviso.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed: *provided, however*, that nothing herein shall relieve the Haverhill and Amesbury Street Railway Company and its successors from any of its obligations as provided in section one of chapter five hundred and seventeen of the acts of the year nineteen hundred and one, and acts in amendment thereof and in addition thereto.

SECTION 4. This act shall take effect upon its passage.

Approved June 19, 1907.

Chap. 537 AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF HEALTH DISTRICTS AND THE APPOINTMENT OF INSPECTORS OF HEALTH.

Be it enacted, etc., as follows:

Establishment of health districts.

SECTION 1. The state board of health shall, as soon as may be after the passage of this act, divide the Commonwealth into not more than fifteen districts, to be known as health districts, in such manner as it may deem necessary or proper for carrying out the purposes of this act.

State inspectors of health, appointment, etc.

SECTION 2. After the division aforesaid has been made, the governor, with the advice and consent of the council, shall appoint in each health district one practical and discreet person, learned in the science of medicine and hygiene, to be state inspector of health in that district. Every nomination for such office shall be made at least seven days prior to the appointment. The said state inspectors of health shall hold their offices for a period of five years

from the time of their respective appointments, but shall be liable to removal from office by the governor and council at any time.

SECTION 3. Every state inspector of health shall inform himself respecting the sanitary condition of his district and concerning all influences dangerous to the public health or threatening to affect the same; he shall gather all information possible concerning the prevalence of tuberculosis and other diseases dangerous to the public health within his district, shall disseminate knowledge as to the best methods of preventing the spread of such diseases, and shall take such steps as, after consultation with the state board of health and the local state authorities, shall be deemed advisable for their eradication; he shall inform himself concerning the health of all minors employed in factories within his district, and, whenever he may deem it advisable or necessary, he shall call the ill health or physical unfitness of any minor to the attention of his or her parents or employers and of the state board of health.

Duties of inspectors.

SECTION 4. The state inspectors of health shall be under the general supervision of the state board of health and shall perform such duties other than those hereby imposed upon them as the said board from time to time shall determine. They shall keep a record of their proceedings and observations, shall annually make a report of the same to said board on or before the thirty-first day of October, shall from time to time furnish said board with such information as it may require touching circumstances affecting the public health in their respective districts, and shall in every instance where written suggestions are made by them to the local authorities send copies of such suggestions to said board.

To be under the supervision of the state board of health.

SECTION 5. The state inspectors of health shall, under the direction of the state board of health and in place of the inspection department of the district police, enforce the provisions of section forty-one of chapter one hundred and four of the Revised Laws so far as said section provides that factories shall be well ventilated and kept clean, sections forty-one, forty-four and forty-seven to sixty-one, inclusive, of chapter one hundred and six of the Revised Laws, chapter three hundred and twenty-two of the acts of the year nineteen hundred and two, chapter four hundred and seventy-five of the acts of the year nineteen hundred and three, chapter two hundred and

Enforcement of provisions of law.

thirty-eight of the acts of the year nineteen hundred and five, and chapter two hundred and fifty of the acts of the year nineteen hundred and six; and the powers and duties heretofore conferred and imposed upon the members of said inspection department of the district police by section eight of chapter one hundred and eight of the Revised Laws in respect to the foregoing sections and acts, and in respect to all acts in amendment thereof or in addition thereto, and in respect to any other laws, are hereby conferred and imposed upon said state inspectors of health or such other officers as the state board of health may from time to time appoint: *provided, however*, that neither said board of health nor any inspector thereof shall have authority to require structural alterations to be made in buildings, but shall report the necessity therefor to the inspection department of the district police. Wherever in said provisions of law the words "inspector" or "inspectors of factories and public buildings", "inspection department of the district police", "inspector" or "inspectors of the district police", "district police", "factory inspector" or "inspectors", and "member" or "members of the district police" occur, they shall be taken to mean state inspector or inspectors of health. Wherever the words "chief of the district police" occur, they shall be taken to mean the state board of health.

Proviso.

Certain words
and terms
defined.

Salaries.

SECTION 6. The governor, with the advice and consent of the council, shall establish the salaries of said state inspectors of health, having regard in each district to the extent of territory, the number of inhabitants, the character of the business there carried on, and the amount of time likely to be required for the proper discharge of the duties. The salaries thus established shall be paid from the treasury of the Commonwealth monthly.

Expenditure.

SECTION 7. There may be expended out of the treasury of the Commonwealth annually, for the purposes specified in this act, for salaries, a sum not exceeding twenty-five thousand dollars, and for other expenses, a sum not exceeding five thousand dollars.

Employment
of experts.

SECTION 8. For the purpose of carrying out the provisions of this act the state board of health may employ from time to time experts in sanitation.

SECTION 9. This act shall take effect upon its passage.

Approved June 19, 1907.

AN ACT TO EXTEND THE TIME WITHIN WHICH A NEW BRIDGE MAY BE CONSTRUCTED OVER THE MERRIMAC RIVER IN THE CITY OF HAVERHILL. *Chap. 538*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and eleven of the acts of the year nineteen hundred and five, as amended by section one of chapter two hundred and seven of the acts of the year nineteen hundred and six, is hereby further amended by striking out the word "March", in the sixth line, and inserting in place thereof the word:—September,—so as to read as follows:—*Section 1.* The time within which a new bridge may be constructed over the Merrimac river in the city of Haverhill, in accordance with the provisions of chapter four hundred and sixty-six of the acts of the year nineteen hundred and three, is hereby extended to the first day of September in the year nineteen hundred and seven.

1905, 411, § 1,
etc., amended.

Time
extended.

SECTION 2. This act shall take effect upon its passage.

Approved June 19, 1907.

AN ACT RELATIVE TO RECORDING NAMES AND RESIDENCES OF PERSONS ENGAGED IN OR TRANSACTING BUSINESS UNDER NAMES OTHER THAN THEIR OWN, EITHER INDIVIDUALLY OR AS MEMBERS OF FIRMS OR PARTNERSHIPS. *Chap. 539*

Be it enacted, etc., as follows:

SECTION 1. Any person or persons conducting or transacting business in this Commonwealth under any name, designation or title other than the real name or names of the person or persons conducting or transacting such business, whether individually or as a firm or partnership, shall file in the office of the clerk of the city or town in which the place or places of business or office or offices of any such person, firm or partnership may be situated, a certificate stating the full name and residence of each person engaged in or transacting such business. The clerk shall keep a record of such certificates, and an index of the names of such persons, firms and partnerships, entering in such index in alphabetical order the name of every person and the title under which he does business, and of every firm or partnership and the names of the members thereof.

Persons, etc.,
conducting
business under
name other
than their
own to file a
certificate, etc.,
with the clerk
of the city or
town in which
the business
is conducted.

Not to apply
to certain
corporations.

SECTION 2. This act shall not apply to any corporation doing business under its true corporate name, nor to any firm or partnership doing business under any name, designation or title which includes the true surname of any partner, nor to associations duly authorized to transact insurance in the Commonwealth under the provisions of section eighty-six of chapter one hundred and eighteen of the Revised Laws; nor to any firm, partnership, joint stock company or association the business of which is conducted or transacted by trustees under a written instrument or declaration of trust, provided that the names of such trustees with a reference to such instrument or declaration of trust shall be filed as provided in section one.

Penalty.

SECTION 3. Any person who violates the provisions of this act shall be liable to a fine of not more than one hundred dollars for each month during which such violation continues.

When to take
effect.

SECTION 4. This act shall take effect on the first day of January in the year nineteen hundred and eight.

Approved June 21, 1907.

Chap. 540 AN ACT TO ESTABLISH THE DEER HILL STATE RESERVATION
IN THE COUNTY OF HAMPSHIRE.

Be it enacted, etc., as follows:

Deer Hill State
Reservation
established.

SECTION 1. The county commissioners of the county of Hampshire as a commission are hereby authorized and directed, within six months after the passage of this act, to take by purchase, gift or otherwise, land not exceeding three hundred acres in extent, situate on or about Deer Hill in the county of Hampshire.

Title to land
to remain in
the Common-
wealth.

SECTION 2. The land acquired under the provisions of this act shall be known as the Deer Hill State Reservation and the title to the land shall be and remain in the Commonwealth of Massachusetts.

Powers of the
commission in
charge of
reservation.

SECTION 3. Said commission shall be known as the Deer Hill state reservation commission, and shall have the same power to acquire land for the Deer Hill state reservation which is given to the metropolitan park commission under the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts amendatory thereof, and shall be vested with full power and authority to care for, protect and maintain the same in behalf of the Commonwealth.

SECTION 4. The necessary expense for the care and maintenance of the said reservation, in excess of any income that may be derived therefrom, shall annually be estimated by said Deer Hill state reservation commission and shall be embodied by the county commissioners of said county in the estimate annually submitted by them to the general court, and shall be assessed upon said county and collected in the same manner in which county taxes are collected.

Expenses to be assessed upon the county of Hampshire.

SECTION 5. The county treasurer of Hampshire county shall receive and hold, subject to the order of the Deer Hill state reservation commission, all sums raised by taxation in the manner provided in section four of this act, and all other sums that may be given to said commission for the purposes of the reservation as the Deer Hill State Reservation Fund.

The county treasurer to hold funds.

SECTION 6. To carry out the purposes of this act the sum of four thousand dollars shall be allowed and paid out of the treasury of the Commonwealth.

Expenditure.

SECTION 7. The question of the acceptance of this act shall be submitted to the legal voters of the county of Hampshire at the annual state election in the present year. The vote shall be taken by ballot in accordance with the provisions of chapter eleven of the Revised Laws and of acts in amendment thereof and in addition thereto, so far as the same shall be applicable, in answer to the question: "Shall an act passed by the general court in the year nineteen hundred and seven, entitled 'An Act to establish the Deer Hill State Reservation in the county of Hampshire', be accepted?" and the affirmative votes of a majority of the voters of said county voting thereon shall be required for its acceptance.

Act to be submitted to the voters of the county of Hampshire for acceptance.

SECTION 8. So much of this act as authorizes and directs its submission to the legal voters of said county of Hampshire shall take effect upon its passage, and the act shall take full effect upon its acceptance as above provided.

When to take effect.

Approved June 21, 1907.

Chap. 541 AN ACT TO ESTABLISH THE MOUNT SUGAR LOAF STATE RESERVATION.

Be it enacted, etc., as follows:

Mount Sugar
Loaf State
Reservation
established.

SECTION 1. The county commissioners of the county of Franklin as a commission are hereby authorized and directed, within six months after the passage of this act, to take or acquire by purchase, gift or otherwise, land not exceeding one hundred acres in extent, situated on or about Mount Sugar Loaf of the said range of mountains in the county of Franklin, lying on the southerly part of said range now owned by Dwight Jewett and others.

Title to land
to remain in
the Common-
wealth.

SECTION 2. The land acquired under the provisions of this act shall be known as the Mount Sugar Loaf State Reservation, and the title to the land shall be and remain in the Commonwealth of Massachusetts.

Powers of the
commission
in charge of
reservation.

SECTION 3. Said commission shall be known as the Mount Sugar Loaf state reservation commission, and shall have the same power to acquire land for the Mount Sugar Loaf state reservation which is given to the metropolitan park commission under the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts amendatory thereof, and shall be vested with full power and authority to care for, protect and maintain the same in behalf of the Commonwealth.

Expenses to be
assessed upon
the county of
Franklin.

SECTION 4. The necessary expense for the care and maintenance of the said reservation, in excess of any income that may be derived therefrom, shall annually be estimated by said Mount Sugar Loaf state reservation commission and shall be embodied by the county commissioners of said county in the estimate annually submitted by them to the general court, and shall be assessed upon said county according to its assessed valuation, and collected in the same manner in which county taxes are collected.

The county
treasurer to
hold funds.

SECTION 5. The county treasurer of Franklin county shall receive and hold, subject to the order of the Mount Sugar Loaf state reservation commission, all sums raised by taxation in the manner provided in section four of this act, and all other sums that may be given to said commission for the purposes of the reservation as the Mount Sugar Loaf State Reservation Fund.

Expenditure.

SECTION 6. To carry out the purposes of this act a sum not to exceed seven thousand five hundred dollars shall

be allowed and paid out of the treasury of the Commonwealth.

SECTION 7. This act shall take effect upon its acceptance by a vote of a majority of the voters of the county of Franklin voting thereon at the next state election.

When to take effect.

Approved June 21, 1907.

AN ACT TO PROVIDE FURTHER FOR IMPROVING THE HARBOR OF CUTTYHUNK IN THE TOWN OF GOSNOLD. Chap. 542

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby authorized and directed to expend in its discretion a sum not exceeding seven thousand five hundred dollars for further improving the harbor of Cuttyhunk in the town of Gosnold, by strengthening and extending the stone jetties, constructed in pursuance of chapter four hundred and fifty of the acts of the year nineteen hundred and five, and by dredging a channel through the bar at the entrance to the harbor.

Further improvement of the harbor of Cuttyhunk in Gosnold.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1907.

AN ACT RELATIVE TO THE NOMINATION OF SENATORS FROM THE FIRST HAMPDEN DISTRICT AND FROM THE THIRD MIDDLESEX DISTRICT AND TO THE ELECTION OF MEMBERS OF STATE POLITICAL COMMITTEES FROM SAID DISTRICTS. Chap. 543

Be it enacted, etc., as follows:

SECTION 1. Nominations by political parties of candidates for state senators from the first Hampden district and the third Middlesex district shall be made in caucuses by direct plurality vote.

Nomination of candidates for state senators in certain districts.

SECTION 2. Members of state political committees from the senatorial districts named in section one shall be elected by direct plurality vote in the caucuses held for nominating senators from the said districts.

Election of political committees.

SECTION 3. All provisions of law relative to caucuses of political parties and to nominations and elections in caucuses by direct plurality vote and to ballots, returns, and the duties of city clerks and registrars, so far as they are applicable, shall apply to caucuses and elections held in accordance with the provisions of this act.

Certain provisions of law to apply.

SECTION 4. This act shall take effect upon its passage.

Approved June 21, 1907.

Chap. 544 AN ACT TO PROVIDE FURTHER FOR THE BUILDING OF A
BREAKWATER AND SEA WALLS IN THE TOWN OF SCITUATE.

Be it enacted, etc., as follows:

Breakwater
and sea walls
in Scituate,
etc.

SECTION 1. The board of harbor and land commissioners is hereby authorized and directed to build a concrete wall beginning at a point where the highway known as Beach street in the town of Scituate borders upon the sea; thence in a southerly direction toward the northerly end of the present wall near Surfside road for a distance of about three hundred feet, at an expense not to exceed two thousand dollars; to extend the concrete wall at the southerly end of Surfside road, at an expense not to exceed two thousand dollars; to extend the breakwater at the southern end of the third cliff constructed under chapter four hundred and ninety-six of the acts of the year nineteen hundred and six, northerly, at an expense not to exceed two thousand dollars.

Land, etc.,
may be
acquired.

SECTION 2. Said board may acquire by purchase or otherwise, in the name and behalf of the Commonwealth any land or materials, necessary for carrying out the provisions of this act. The manner of such taking and of determining the damages caused thereby, or by any doings of said board under the provisions of this act, shall be the same as is specified in sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall, for the purposes of this act, have the same powers which are conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto.

Damages.

Contract to be
approved.

SECTION 3. No contract made under authority of this act shall be valid until approved in writing by the governor and council.

SECTION 4. This act shall take effect upon its passage.

Approved June 21, 1907.

AN ACT TO PROVIDE FOR A COMMISSION TO DEVISE AND REPORT A PLAN FOR THE EXTENSION OF THE PRESENT STATE HOUSE IN THE CITY OF BOSTON. *Chap. 545*

Be it enacted, etc., as follows:

SECTION 1. There shall be a commission on the extension of the state house which shall consist of the president of the senate and one senator, to be chosen by him, the speaker of the house of representatives and one member, to be chosen by him, and one commissioner to be appointed by the governor, which shall serve without pay. Said commission shall be authorized to consider plans for the extension of the present state house in the city of Boston by means of eastern and western wings in harmony with the general design of the existing Bulfinch front or otherwise; and in connection therewith to consider all questions as to the enlargement of the state house, the expense for construction and land damages, accommodations for the library, the several state officers, and boards and commissions, the regrading of Beacon street immediately in front of said state house, and further, to consider whether or not commissions established to regulate public service corporations, and commissions established for the metropolitan district, should make compensation to the Commonwealth for their accommodations in the state house. The commission shall report the result of its investigations and considerations to the general court on or before the second Wednesday of January in the year nineteen hundred and eight, with such recommendations as it may deem wise in the premises. Said report shall be accompanied by working plans, specifications, and at least three reliable estimates of its cost, and the powers of said commission shall terminate on the second Wednesday in January of said year or upon the filing of the report hereinbefore referred to. To meet any expenses necessary to carry out the provisions of this act there shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars.

Commission on extension of the state house, appointment, etc.

Report, etc.

Expenditure.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1907.

Chap. 546 AN ACT RELATIVE TO APPEALS IN CASES WHERE ATTACHMENTS OF PROPERTY HAVE BEEN MADE.

Be it enacted, etc., as follows:

R. L. 173,
§ 116,
amended.

Waiver of
appeal, etc.

Proviso.

R. L. 167, § 56,
amended.

Attachment of
property in
suits in
equity, etc.

SECTION 1. Section one hundred and sixteen of chapter one hundred and seventy-three of the Revised Laws is hereby amended by adding at the end thereof the words:—*provided*, that in any case where an attachment of property has been made, no appeal shall be waived except by leave of court after notice to the opposite party,—so as to read as follows:—*Section 116.* A waiver in writing of an appeal or of exceptions in any case at law or in equity may be filed and acted upon in the court in which they were taken at any time before the entry thereof in the appellate court: *provided*, that in any case where an attachment of property has been made, no appeal shall be waived except by leave of court after notice to the opposite party.

SECTION 2. Section fifty-six of chapter one hundred and sixty-seven of the Revised Laws is hereby amended by adding at the end thereof the words:—If an appeal is claimed from a final decree in a case where an attachment of property has been made or a time has been fixed for the doing of any act or thing, and the appeal is subsequently waived or dismissed, property so attached shall be held for thirty days after such waiver or dismissal, or the time for doing such act or thing shall be computed from the date of the waiver or dismissal,—so as to read as follows:—*Section 56.* Property which has been attached in suits in equity shall be held for thirty days after the right of appeal from a final decree expires. If an appeal is claimed from a final decree in a case where an attachment of property has been made or a time has been fixed for the doing of any act or thing, and the appeal is subsequently waived or dismissed, property so attached shall be held for thirty days after such waiver or dismissal, or the time for doing such act or thing shall be computed from the date of the waiver or dismissal.

SECTION 3. This act shall take effect upon its passage.

Approved June 21, 1907.

AN ACT TO AUTHORIZE THE TOWN OF WESTFIELD TO RAISE *Chap.547*
AND APPROPRIATE MONEY FOR THE ERECTION OF A MONU-
MENT OR OTHER MEMORIAL IN SAID TOWN TO THE MEMORY
OF GENERAL WILLIAM SHEPARD.

Be it enacted, etc., as follows:

The town of Westfield may, at a town meeting called for that purpose, raise and appropriate a sum not exceeding five thousand dollars, for the purpose of erecting a monument or other suitable memorial in said town to the memory of General William Shepard, a native of said town, a general in the war of the revolution, and a representative in congress from this Commonwealth for the period of six years.

Approved June 21, 1907.

The town of Westfield may raise money to erect a monument to General William Shepard.

AN ACT TO AUTHORIZE THE FOXBOROUGH WATER SUPPLY *Chap.548*
DISTRICT TO INCREASE ITS INDEBTEDNESS.

Be it enacted, etc., as follows:

SECTION 1. The Foxborough Water Supply District, incorporated by chapter one hundred and ninety-six of the acts of the year eighteen hundred and seventy-nine, is hereby authorized for the purposes stated in said chapter to increase the amount of its indebtedness by a sum not exceeding ten thousand dollars and to issue therefor notes or bonds. Such notes or bonds shall be denominated on the face thereof, Foxborough Water District Loan, Act of 1907, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be payable in periods not exceeding thirty years from the dates of issue. At the time of authorizing the said loan the said district shall provide for the payment thereof in such annual payments as will extinguish the debt at maturity; and when a vote to that effect has been passed by the said district the amount required each year to make the said payments and to pay the interest on the said loan shall be raised by taxation of the inhabitants of the district, in the same manner in which other taxes are assessed and collected in the town of Foxborough.

Foxborough Water District Loan, Act of 1907.

SECTION 2. No notes or bonds shall be authorized or issued under authority hereof until a vote authorizing the same has been passed by a vote of two thirds of the legal

Issue of loan to be authorized by vote of the district.

voters of the said district present and voting thereon at a meeting duly called for the purpose.

SECTION 3. This act shall take effect upon its passage.

Approved June 21, 1907.

Chap. 549 AN ACT TO LIMIT THE TIME WITHIN WHICH REAL ESTATE OF DECEASED PERSONS MAY BE TAKEN OR SOLD FOR THE PAYMENT OF THEIR DEBTS.

Be it enacted, etc., as follows:

Limiting the time in which real estate of deceased persons can be taken in certain cases.

SECTION 1. Whenever an executor or administrator has given due notice of his appointment, and an affidavit thereof has been filed in accordance with sections two and three of chapter one hundred and thirty-nine of the Revised Laws, no interest in the real estate of the deceased conveyed absolutely or in mortgage for value and in good faith by an instrument duly recorded shall be liable to be taken on execution or sold under any judicial proceeding for payment of his debts, costs of court or claims against his estate, except claims for taxes, municipal assessments or succession taxes, legacies or other charges created by will of the deceased, or the expenses or charges of administration, after the expiration of two years from the time of such executor or administrator giving bond for the performance of his trust, or from the passing of the order of the probate court mentioned in section three of chapter one hundred and thirty-nine of the Revised Laws, unless in pursuance of a license to sell granted upon a petition filed in the registry of probate within said two years, or unless for the satisfaction in whole or in part of a claim of which notice has been filed in the registry of probate within said two years, stating substantially the name and address of the claimant, the nature and amount of the claim and the court, if any, in which proceedings are pending to determine or enforce the same. Said notice shall be filed with the other proceedings in the case and entered upon the docket under the name of the estate of the deceased.

Not to apply in certain proceedings.

SECTION 2. The provisions of this act shall not apply to any action brought against an administrator or executor, or to any proceedings in pursuance of a license to sell the real estate of the deceased under a petition brought by an administrator or executor, or to any action brought by

or against an administrator or executor for the recovery of the real estate of the deceased, if such action or petition is duly commenced or brought prior to the first day of January in the year nineteen hundred and eight.

SECTION 3. This act shall take effect on the first day of January in the year nineteen hundred and eight.

When to take effect.

Approved June 21, 1907.

AN ACT RELATIVE TO THE CONSTRUCTION, ALTERATION AND MAINTENANCE OF BUILDINGS IN THE CITY OF BOSTON.

Chap. 550

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Boston a department to be called the building department, which shall be under the charge of the building commissioner. The commissioner, who shall have had at least five years' experience as an architect, a builder, or a civil engineer, shall be appointed by the mayor, for a term of five years. He shall receive such salary as shall be fixed by the city council, with the approval of the mayor.

Building department in the city of Boston.

The present officers and employees of the building department, except the board of appeal, shall hold their several offices and positions until removed or discharged according to law.

Certain officers and employees to remain in office, etc.

The commissioner may, with the approval of the mayor, appoint such number of inspectors, employees, and assistants as the city council shall, from time to time, determine. No person shall be appointed as inspector of construction who has not had at least five years' experience as a builder, civil engineer, or architect, or as a superintendent or foreman or a competent mechanic in charge of construction.

The building commissioner to have power of appointment, etc.

The commissioner may appoint as his deputy an inspector in the department who shall, during the absence or disability of the commissioner, exercise all the powers of the commissioner. No officer connected with the department shall engage in any other business or be interested in the doing of work or the furnishing of material for the construction, repair or maintenance of any building, or in the making of plans or of specifications therefor, unless he is the owner of the building or a member of the board of appeal.

Deputy, etc.

The clerk of the department shall, under the direction of the commissioner, keep a record of the business of the de-

Clerk, duties, etc.

partment, and the commissioner shall submit to the mayor a yearly report of such business. The records of the department shall be open to public inspection. The commissioner may require plans and specifications of any proposed structure or for the alteration of any structure or building to be filed with him, duplicates of which, when approved by the commissioner, shall be kept at the building during the progress of the work. Such duplicates shall be open to the inspection of any inspector in said department.

Permits for construction, etc.

The commissioner shall grant permits for the construction, alteration, removal or tearing down of buildings or structures, and for plumbing, gas fitting, and the setting and maintenance of steam boilers and furnaces when applications for the same are made and filed in conformity with law.

Form of permits.

All permits issued by the commissioner shall be on printed forms approved by him.

Permit may be revoked.

If the commissioner finds that the terms of a permit are being violated, he may, after notice mailed to the person to whom the permit was issued, order the whole or any part of the work, which is being done under the permit, to be stopped, and such work shall not be resumed until the terms of the permit have been complied with.

Form of application for permit.

All applications for permits under the provisions of this act shall be in writing, on forms furnished by the department. The commissioner may require the material facts set forth in the same to be verified by the oath of the applicant; he may also require, in his discretion, a survey of a lot on which any proposed building is to be erected to be filed with the application. Every application shall state the name and address of the owner.

Examination of buildings in course of construction.

SECTION 2. The commissioner, or one of his inspectors, shall examine as often as is practicable every building in the course of construction or alteration, and shall make a record of all violations of this act and of all other matters relative thereto. The publication of such records with the consent of the commissioner shall be privileged.

Record to be kept if a building is reported dangerous, etc.

SECTION 3. The commissioner, or one of his inspectors, shall examine any building reported as dangerous or damaged, and shall make a record of such examination, stating the nature and estimated amount of the damage, and the purpose for which the building was used, and in case of

fire the probable origin thereof; and shall examine all buildings in respect to which applications have been made for permits to raise, enlarge, alter, or repair, and shall make a record of every such examination.

SECTION 4. The commissioner, or one of his inspectors, shall inspect every building or other structure or anything attached to or connected therewith which he has reason to believe is unsafe or dangerous to life, limb, or adjoining buildings, and if he finds it unsafe or dangerous, he shall forthwith in writing notify the owner, agent, or any person having an interest therein, to secure the same, and shall affix in a conspicuous place upon its external walls a notice of its dangerous condition. The notice shall not be removed or defaced without his consent.

Inspection of buildings believed to be unsafe, etc.

The commissioner may with the written approval of the mayor order any building which in his opinion is unsafe to be vacated forthwith.

Commissioner may order a building vacated.

SECTION 5. The person notified as provided in the preceding section shall secure or remove said building, structure, attachment or connection forthwith. If the public safety so requires, the commissioner, with the approval of the mayor, may at once enter the building or other structure, the land on which it stands or the abutting land or buildings, with such assistance as he may require, and secure the same, and may erect such protection for the public by proper fence or otherwise as may be necessary, and for this purpose may close a public highway.

Duties of commissioner in certain cases.

SECTION 6. There shall be in said department a board to be called the board of appeal. Said board shall consist of five members appointed by the mayor in the following manner:—One member from two candidates, one to be nominated by The Real Estate Exchange and Auction Board and one by the Massachusetts Real Estate Exchange; one member from two candidates, one to be nominated by the Boston Society of Architects and one by the Boston Society of Civil Engineers; one member from two candidates, one to be nominated by the Master Builders Association and one by the Contractors and Builders Association; one member from two candidates to be nominated by the Building Trades Council of the Boston Central Labor Union; and one member selected by the mayor. These appointments shall be subject to confirmation by the board of aldermen. The appointments first made shall be

Board of appeal.

Terms of office.

for the terms of one, two, three, four, and five years, respectively, so that the term of one member shall expire each year. All subsequent appointments shall be for the term of five years. Vacancies shall be filled in the same manner in which original appointments are made. Each member of said board shall be paid ten dollars per day for actual service but not more than one thousand dollars in any one year. No member shall act in any case in which he is interested, and in case any member is so disqualified, the remaining members shall designate a substitute.

Vacancies.

Compensation.

Right to membership restricted.

Decisions.

All the members of said board shall be residents of or engaged in business in Boston.

Every decision of the board shall be in writing and shall require the assent of at least three members.

When permit is refused the applicant may appeal from decision, etc.

SECTION 7. An applicant for a permit whose application has been refused may appeal therefrom within ninety days. A person who has been ordered by the commissioner to incur any expense may within ten days after being notified of such order appeal therefrom by giving to the commissioner notice in writing of his appeal. Such notice or a certified copy thereof shall at once be transmitted by the commissioner to the board of appeal. After notice given to such parties as the board shall order, a hearing shall be had, and the board shall affirm, annul, or modify said refusal or order. The board may vary the provisions of this act in specific cases which appear to them not to have been contemplated by this act although covered by it, or in cases where manifest injustice is done, provided that the decision of the board in such a case shall be unanimous and shall not conflict with the spirit of any provision of this act.

Decisions of board of appeal allowing variations to be filed, etc.

The decision shall specify the variations allowed and the reasons therefor, and shall be filed in the office of the commissioner within ten days after the hearing. A certified copy shall be sent by mail or otherwise to the applicant and a copy kept publicly posted in the office of the commissioner for two weeks thereafter. If the order or refusal of the commissioner is affirmed, such order or refusal shall have full force and effect. If the order or refusal is modified or annulled, the commissioner shall issue a permit in accordance with such decision.

Provisions to apply to the commissioner of wires.

The provisions of this section shall also apply to any similar action or order of the commissioner of wires, under

the provisions of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and ninety-eight, or of any amendment thereof or addition thereto, except that in respect thereto the words "commissioner of wires" shall be substituted for the word "commissioner."

SECTION 8. Methods of construction or maintenance equivalent to those required by the provisions of this act may be allowed with the written consent of the commissioner and the board of appeal specifying the same. A record of the required and the equivalent method allowed shall be kept in the office of the commissioner.

Construction and maintenance, etc.

It shall be the duty of the board of appeal to submit to the mayor on or before the first day of February in each year a report giving a summary of all decisions of the board, together with such recommendations for revision of the law as may seem to them advisable. The commissioner shall cause the report to be printed as a separate document for public distribution.

Board of appeal to submit to the mayor a report of its decisions.

Any requirement necessary for the strength or stability of any proposed structure or for the safety of the occupants thereof, not specifically covered by this act, shall be determined by the commissioner, subject to appeal.

Powers of the commissioner in certain cases.

SECTION 9. The building limits of the city of Boston as they now exist shall continue until changed by ordinance, and the city council may by ordinance from time to time extend and define said building limits, and may establish other limits in any part of the city within which every building built after the establishment thereof shall be of the first or second class. This restriction shall not apply to wharves, nor to buildings not exceeding twenty-seven feet in height on wharves, nor to market sheds or market buildings not exceeding such height, nor to elevators for the storage of coal or grain, if the external parts of such buildings, elevators, or other structures are covered with slate, tile, metal, or other equally fireproof material, and the mode of construction and the location thereof are approved by the commissioner. Temporary structures to facilitate the prosecution of any authorized work may be erected under such conditions as the commissioner may prescribe.

Building limits, etc.

SECTION 10. The provisions of this act shall not apply to bridges, quays, or wharves, nor to buildings on land ceded to the United States or owned and occupied by the

Provisions not to apply to certain structures.

Commonwealth, nor to the Suffolk county court house, jail, or house of correction, nor to railroad stations, nor to portable school buildings erected and maintained by the schoolhouse department, nor to voting booths erected and maintained by the board of election commissioners.

Powers of
certain boards
and com-
missioners not
abridged.

Except as otherwise provided by law, the provisions of this act shall not be held to deprive the board of health, the police commissioner, the board of street commissioners, the board of park commissioners, the board of examiners of gas fitters, the commissioner of wires, or the fire commissioner of the city of Boston of any power or authority which they have at the date of the passage of this act, or of the remedies for the enforcement of the orders of said boards or officers; unless such powers, authorities, or remedies are inconsistent with the provisions of this act; nor to repeal any existing law, not herein expressly repealed, except so far as it may be inconsistent with the provisions of this act.

DEFINITIONS.

Definitions.

SECTION 11. In this act the following terms shall have the meanings respectively assigned to them:—

First class
building.

First class building:— A first class building shall consist of fireproof material throughout, with floors constructed of iron, steel or reinforced concrete beams, filled in between with terra-cotta or other masonry arches or with concrete or reinforced concrete slabs; wood may be used only for under and upper floors, windows and door frames, sashes, doors, interior finish, hand rails for stairs, necessary sleepers bedded in the cement, and for isolated furrings bedded in mortar. There shall be no air space between the top of any floor arches and the floor boarding.

Second class
building.

Second class building:— All buildings not of the first class, the external and party walls of which are of brick, stone, iron, steel, concrete, reinforced concrete, concrete blocks, or other equally substantial and fireproof material.

Third class
building.
Composite
building.

Third class building:— A wooden frame building.

Composite building:— A building, partly of second class and partly of third class construction.

Foundation.

Foundation:— That part of a wall below the level of the street curb, or, if a wall is not on a street, that part of the wall below the level of the highest ground next to the wall, or, if so construed by the commissioner, that part of a party or partition wall below the cellar floor.

Height of a building:— The vertical distance of the highest point of the roof above the mean grade of the curbs of all the streets upon which it abuts, and if it does not abut on a street, above the mean grade of the ground adjoining the building.

Height of a building.

Party wall:— A wall that separates two or more buildings, and is used or adapted for the use of more than one building.

Party wall.

Partition wall:— An interior wall of masonry in a building.

Partition wall.

Thickness of wall:— The minimum thickness of such wall.

Thickness of wall.

Story of a building:— That part of a building between the top of any floor beams and the top of the floor or roof beams next above.

Story of a building.

Basement:— That story of a building not more than forty per cent of which is below the grade of the street.

Basement.

Cellar:— That part of a building more than forty per cent of which is below the grade of the street, and in third class buildings that part of the building which is below the sills.

Cellar.

Gas fitting shall mean the work of putting together any fittings, pipes, or fixtures or other appliances which are to contain gas for heat, light or power purposes and will be subject to inspection under existing laws.

Gas fitting, etc.

REQUIREMENTS FOR ALL BUILDINGS.

SECTION 12. No building, structure or foundation shall be constructed or altered without a permit, and such work shall be done in accordance with drawings bearing the approval of the commissioner.

Requirements for all buildings.

Every structure in process of construction, alteration, repair or removal, and every neighboring structure or portion thereof affected by such process or by any excavation, shall be sufficiently supported during such process.

Supports during construction.

The commissioner may take such measures as the public safety requires to carry these provisions into effect.

Enforcement of provisions.

All buildings shall have leaders sufficient to discharge the roof water in such a manner as not to flow upon any public way or any neighboring property. Such leaders may project into a public way not over seven inches.

Discharge of roof water.

Every chimney flue shall be carried to a height sufficient to protect adjoining buildings from fire and smoke, and,

Chimney flues, etc.

unless the roof is covered with incombustible material, shall extend at least four feet above the highest point of contact with the roof.

Access to
roof.

Every permanent building more than twenty feet high having a flat roof shall have permanent means of access to the roof from the inside by an opening not less than two feet by three feet, with a fixed step-ladder.

Means of
egress, etc.

Every building shall have, with reference to its height, condition, construction, surroundings, character of occupation and number of occupants, reasonable means of egress in case of fire, satisfactory to the commissioner, except that in all factories or workshops hereafter built or altered, of second class construction, where ten or more persons are employed above the second floor, one exit shall consist of a fireproof stairway enclosed in incombustible material.

Water pipes.

Water pipes in every building shall be properly protected from frost.

Chimneys, etc.

All chimneys of masonry construction shall have walls at least eight inches thick, or be constructed of four-inch brick walls with a suitable flue lining.

Water-
closets.

Every building used for habitation shall have such number of water-closets as the board of health may require; every building where persons are employed shall have at least one water-closet for every twenty persons therein employed, and in any building where both sexes are employed, separate accommodations shall be furnished for men and women. Every enclosure containing one or more water-closets shall be provided with adequate ventilation to the outer air either by window or by suitable light shaft.

Outside finish
to be of in-
combustible
material,
except, etc.

In every first and second class building all of the outside finish shall be of incombustible material, except window and door frames, and except finish about show windows in the first story. Where store fronts are carried up more than one story the columns and lintels shall be of, or finished with, incombustible material; but in no case shall store fronts be carried more than two stories unless the same are constructed and finished throughout with fire-proof material, except window and door frames.

Ventilating
flues.

Every ventilating flue shall be constructed of, or lined with, incombustible material.

Floors.

Every floor in second class buildings shall have its beams tied to the walls and to each other with wrought iron straps or anchors at least three eighths of an inch

thick by one and one half inches wide, and not less than eighteen inches long, so as to form continuous ties across the building not more than ten feet apart. Walls running parallel, or nearly parallel, with floor beams shall be properly tied once in ten feet to the floor beams by iron straps or anchors of the size above specified.

Every wooden header or trimmer more than four feet long, carrying a floor load of over seventy pounds per square foot, shall, at connections with other beams, be framed or hung in stirrup irons, and joint-bolted. All tail beams and similar beams of wood shall be framed or hung in stirrup irons.

Headers or trimmers.

PROHIBITIONS.

SECTION 13. No alteration or repair of a wooden building within the building limits shall be made without a permit from the commissioner, and no permit to increase the height or ground area of such a building shall be granted, nor shall a permit for alterations or repairs be granted if the estimated cost of the proposed alterations or repairs exceeds one half of the cost of a like new building.

Prohibitions.

No wooden building, within or without the building limits, shall be moved to any position within the building limits.

No recess or chase shall be made in any external or party wall so as to leave the thickness at the back less than eight inches.

No roof or floor timber entering a party wall shall have less than four inches of solid brickwork between it and the end of any other timber.

No part of any roof shall be constructed in such a manner as to discharge snow, ice, or other material upon a public street or alley.

No elevated staging or stand for observation purposes shall be constructed or occupied upon the roof of any building.

No chimney shall be corbelled from a wall more than the thickness of the wall.

No chimney shall be hung from a wall which is less than twelve inches thick.

No masonry shall rest upon wood, except piles and mud sills.

Prohibitions.

No part of any floor timber shall be within two inches of any chimney.

No studding or furring shall be within one inch of any chimney.

No furnace or boiler for heating shall be placed upon a wooden floor.

No smoke pipe shall project through any external wall or window.

No steam, furnace, or other hot air pipes shall be carried within one inch of any woodwork, unless such pipes are double or otherwise protected by incombustible material.

No observation stand shall be constructed or maintained except in accordance with plans approved by the commissioner.

No closet of any kind shall be constructed under any staircase leading from the cellar or basement to the first story.

No boiler shall be placed or maintained under any public way.

No part of any structure, except cornices, permanent awnings, string courses, window caps and sills, bay windows, under such terms, conditions, regulations and restrictions as may be required by the mayor and board of aldermen, and outside means of egress, as otherwise provided, and signs as provided in chapter three hundred and fifty-two of the acts of the year eighteen hundred and ninety-five, shall project over any public way or square. No cornice or bay window shall so project more than three feet; nor more than twelve inches over a way of a width of thirty feet or less.

No building within forty feet of the property of any adjoining owner shall be erected for or converted to use as a stable, unless such use is authorized by the board of health after a public hearing. Written notice of such hearing shall be given to the adjoining owners, and published at least three times in at least two newspapers published in Boston, ten days at least before the hearing.

MATERIALS.

Strength of Materials.

Strength of
materials.

SECTION 14. The stresses in materials hereafter used in the construction of all buildings, produced by their

own weight and the loads herein specified, shall not exceed the limits assigned in the following paragraphs of this section:—

(a) TIMBER.

Stresses of materials.

Unit Stresses in Pounds per Square Inch.

	On Extreme Fibre of Beams.	Shearing along the Grain.	Compression Perpendicular to the Grain.
White pine and spruce, .	1,000	80	250
White oak,	1,000	150	600
Yellow pine (long-leaved), .	1,500	100	500

Stresses due to transverse loads combined with direct tension or compression shall not exceed the extreme fibre stresses given above.

In computing deflection, the modulus of elasticity shall be taken as follows:—

	Pounds per Square Inch.
White pine,	750,000
Spruce,	900,000
Yellow pine (long-leaved), .	1,300,000
White oak,	850,000

Columns (centrally loaded).

For wooden columns with flat ends, where L is the length of the column, D is its least diameter, the average stress per square inch on a cross-section shall be limited as follows:—

$\frac{L}{D}$	AVERAGE STRESS PER SQUARE INCH.		
	White Pine and Spruce.	Long-leaved Yellow Pine.	White Oak.
0 to 10,	630	900	810
10 to 15,	595	850	765
15 to 20,	560	800	720
20 to 25,	525	750	675
25 to 30,	490	700	630

Stresses of
materials.

No column shall be used with a greater unsupported length than thirty times its least diameter.
For excentric loads see section sixteen.

(b) WROUGHT IRON AND STEEL.

Unit Stresses in Pounds per Square Inch.

	Wrought Iron.	Steel. ¹
Extreme fibre of rolled beams or shapes, .	12,000	16,000
Tension,	12,000	16,000
Compression in flanges of built beams, .	12,000	16,000
Shearing (see below for bolts), . . .	9,000	10,000
Direct bearing, including pins and rivets, .	15,000	18,000
Bending on pins,	18,000	22,500
Modulus of elasticity,	27,000,000	29,000,000

¹ These stresses (except for rivets) are for steel having an ultimate tensile strength of from fifty-five thousand to sixty-five thousand pounds per square inch, an elastic limit of not less than one half the ultimate strength, and a minimum percentage of elongation in eight inches of one million four hundred thousand, divided by the ultimate strength.

For compression members twelve thousand for iron and sixteen thousand for steel, reduced according to the following formula:—

$$\frac{12,000 \text{ (or 16,000 for steel)}}{1 + \frac{1}{20,000} \frac{L^2}{r^2}}$$

in which L is the length of the column in inches, and r is the radius of gyration in inches taken around the axis about which the column will bend (for free columns, the least radius of gyration).

The stresses due to transverse loads combined with direct tension or compression shall not exceed the extreme fibre stress given above for rolled beams and shapes, or in case of built members the above tension and compression stresses (see section sixteen).

Compression flanges of beams shall be proportioned to resist lateral flexure unless properly stayed or secured

against it. If the ratio of unsupported length of flange to width of flange does not exceed twenty, no allowance need be made for lateral flexure. If the ratio is seventy the allowable stress on the extreme fibre shall be one half of that above specified, and proportionally for intermediate ratios. Stresses of materials.

Shearing and bearing stresses on bolts shall not be higher than eighty per cent of those allowed by the above table. All connections in skeleton buildings, all splices in steel trusses and girders, and all connections of such trusses and girders to the sides of steel columns shall, if possible, be made by means of rivets rather than by bolts.

(c) CAST IRON.

Unit Stresses in Pounds per Square Inch.

Extreme fibre stress, tension,	3,000
Extreme fibre stress, compression,	16,000

Cast iron shall not be used for columns in buildings of more than seventy-five feet in height, nor in cases where the value of the length divided by least radius of gyration exceeds seventy.

Cast Iron Columns (centrally loaded and unsupported laterally).

Where the Length divided by the Least Radius of Gyration equals—	Average Stress per Square Inch of Section.	Where the Length divided by the Least Radius of Gyration equals—	Average Stress per Square Inch of Section.
10	11,000	50	9,800
20	10,700	60	9,500
30	10,400	70	9,200
40	10,100		

(d) STONE WORK, IN COMPRESSION.

Stresses in Tons of Two Thousand Pounds per Square Foot.

First quality dressed beds and builds, laid solid in mortar of one part Portland cement to three parts sand, or one part natural cement to two parts sand.

Stresses of
materials.

Granite,	60
Marble and limestone,	40
Sandstone,	30

In cases where poorer mortar is used, to avoid stain from cement, stresses shall be less than above, and must be approved by the building commissioner.

(e) BRICKWORK IN COMPRESSION.

Stresses in Tons of Two Thousand Pounds per Square Foot.

(1) For first class work of hard-burned bricks, including piers in which the height does not exceed six times the least dimension, laid in:—

(a) One part Portland cement, three parts sand, by volume, dry,	20
(b) One part natural cement, two parts sand, by volume, dry,	18
(c) One part natural cement, one part lime and six parts sand, by volume, dry,	12
(d) Lime mortar, one part lime, six parts sand, by volume, dry,	8

(2) For brick piers of hard-burned bricks, in which the height is from six to twelve times the least dimension:—

Mortar (a),	18
Mortar (b),	15
Mortar (c),	10
Mortar (d),	7

(3) For brickwork made of “light-hard” bricks, the stresses shall not exceed two thirds of the stresses for like work of hard-burned bricks.

(f) CONCRETE.

Concrete.

When the structural use of concrete is proposed, a specification, stating the quality and proportions of materials, and the methods of mixing the same, shall be submitted to the building commissioner, who may issue a permit at his discretion and under such further conditions, in addition to those stated below, as he sees fit to impose.

A. In first class Portland cement concrete, containing one part cement to not more than six parts mixed properly graded aggregate, except in piers or columns of which the height exceeds six times the least dimension, the compres-

sive stress shall not exceed thirty tons of two thousand pounds per square foot. Stresses of materials.

B. In piers and columns of first class Portland cement concrete, containing one part cement to not more than five parts mixed properly graded aggregate, where the height of the pier or column is more than six times and does not exceed twelve times its least dimension, the compressive stress shall not exceed twenty-five tons of two thousand pounds per square foot.

By "aggregate" shall be understood all the materials in the concrete except the cement. Cinders concrete shall be used constructively only for floors, roofs, and for filling.

Rules for the computation of reinforced concrete columns may be formulated from time to time by the building commissioner with the approval of the board of appeal.

In reinforced concrete beams or slabs subjected to bending stresses, the entire tensile stress shall be assumed to be carried by the steel, which shall not be stressed above the limits allowed for this material. First class Portland cement concrete in such beams or slabs, containing one part cement to not more than five parts mixed properly graded aggregate, may be stressed in compression to not more than five hundred pounds per square inch. In case a richer concrete is used, this stress may be increased with the approval of the commissioner to not more than six hundred pounds per square inch.

In reinforced concrete the maximum shearing force upon the concrete, when uncombined with compression upon the same plane shall not exceed sixty pounds per square inch, unless the building commissioner with the consent of the board of appeal shall fix some other value.

If the imbedded steel has no mechanical bond with the concrete, its holding power shall not exceed the allowable shearing strength of the concrete.

(g) IN GENERAL.

Under the prescribed loads, beams shall be so proportioned that the deflection shall not exceed one three hundred and sixtieth ($\frac{1}{360}$) of the span. Proportions of beams.

Stresses for materials and forms of material, not herein mentioned, shall be determined by the building commissioner. Provision for wind bracing shall be made whenever it is necessary, and all buildings shall be constructed Other stresses and forms to be determined by the building commissioner.

of sufficient strength to bear with safety the load intended to be placed thereon, in addition to the weight of the materials used in construction.

Strength of structure not to be reduced, etc.

No cutting for piping or any other purpose shall be done which would reduce the strength of any part of the structure below what is required by the provisions of this act.

Quality of Materials.

Quality of materials.

SECTION 15. All materials shall be of such quality for the purposes for which they are to be used as to insure, in the judgment of the building commissioner, ample safety and security to life, limb and neighboring property. The building commissioner shall have power to reject all materials which in his opinion are unsuitable, and may require tests to be made by the architect, engineer, builder or owner to determine the strength of the structural materials before or after they are incorporated in a building, and may require certified copies of results of tests made elsewhere from the architect, engineer, builder, owner or other interested persons.

Hollow cast iron columns, if used, shall be shown by measurements and tests satisfactory to the commissioner to be of practically uniform thickness, and free from blow holes.

MORTARS.

Mortars.

All mortars shall be made with such proportion of sand as will insure a proper degree of cohesion and tenacity, and secure thorough adhesion to the material with which they are used, and the building commissioner shall condemn all mortars not so made.

(a) Mortar below level of water shall be no poorer than one part Portland cement and three parts sand;

(b) Mortar for first class buildings shall, for the lower half of their height, be no poorer than one part natural cement to two parts sand; and, for the upper half, no poorer than one part of natural cement, one half part of lime, and three parts of sand;

(c) Mortar for second class buildings and for such parts of third class buildings as are below the level of the sidewalk, shall be no poorer than one part of natural cement, one of lime, and four of sand;

(d) Mortar for third class buildings, above ground, shall be no poorer than one part lime and four parts sand.

The building commissioner may allow lime mortar in setting stone where cement will stain.

CONCRETE.

Concrete shall be used immediately after mixing; it shall not be placed in the work after it has begun to harden; and it shall be deposited in such manner and under such regulations as to secure a compact mass of the best quality for the proportions used. Forms shall remain until the concrete has hardened so as to be able to carry its load safely, and shall be removed without jar. Concrete.

The commissioner may require an applicant for a permit for the structural use of concrete to have an inspector satisfactory to the commissioner at all times on the work while concrete is being mixed or deposited, and such inspector shall make daily reports to the commissioner on the progress of the work.

CEMENT.

Cement shall conform to the specifications of the American Association for Testing Materials, as modified from time to time by that association. Cement.

REINFORCED CONCRETE.

Reinforced concrete slabs, beams or girders, if rendered continuous over supports by being unbroken in section, shall be provided with proper metal reinforcement at the top over said supports and may be computed as continuous beams, as hereinafter described. Reinforced concrete.

The modulus of elasticity of the concrete, if not shown by direct tests, may for beams and slabs be taken as one fifteenth that of steel, and for columns one tenth that of steel.

The reinforcing metal shall be covered by not less than three fourths inch of concrete in slabs, and by not less than one and one half inches of concrete in beams and columns.

METHODS OF COMPUTATION.

Methods of
computation.

SECTION 16. Beams or girders of metal or reinforced concrete shall be considered as simply supported at their ends, except when they extend with unbroken cross-section over the supports, in which case they may be considered as continuous.

The span of a beam shall be considered as the distance from centre to centre of the bed plates or surfaces upon which it rests. If it is fastened to the side of a column, the span shall be measured to the centre of the column.

In slabs, beams or girders continuous over supports, provision shall be made for a negative bending moment at such supports equal to four fifths of the positive bending moment that would exist at the centre of the span if the piece were simply supported; and the positive bending moment at the centre of the span may be taken equal to the negative bending moment at the support.

In the case of a slab of reinforced concrete with parallel ribs or girders beneath, the rib or girder may be considered to include a portion of the slab between the ribs, forming a T-beam. The width of the T-beam on top shall not exceed one third the span of the rib nor the distance from centre to centre of the ribs.

Reinforced concrete columns shall be proportioned on the assumption that the concrete and the steel are shortened in length in the same proportion. The steel members shall be tied together at intervals sufficiently short to prevent buckling.

If a column is loaded excentrically or transversely, the maximum fibre stress, taking account of the direct compression, the bending which it causes, its excentricity and the transverse load, shall not exceed the maximum allowable stress in compression.

If a tension piece is loaded excentrically or transversely, the maximum fibre stress, taking account of the direct tension, its excentricity and the transverse load, shall not exceed the maximum allowable stress in tension.

An excentric load upon a column shall be considered to affect excentrically only the length of column extending to the next point below at which the column is held securely in the direction of the excentricity.

If a piece is exposed to tension and compression at different times, it shall be proportioned to resist the maximum of each kind, but the unit stresses shall be less than those used for stress of one kind, depending upon the ratio and the relative frequency of the two maxima.

Methods of
computation.

Net sections shall be used in proportioning steel tension members, and in deducting rivet holes they shall be taken as one eighth of an inch greater in diameter than the rivets.

The length of a steel compression member between supports in any direction shall not exceed one hundred and twenty times its radius of gyration about an axis perpendicular to that direction.

The webs of plate girders shall be proportioned to resist buckling in cases where they are not supported laterally, according to the formula:—

$$\frac{15,000}{1 + \frac{1}{3,000} \frac{d^2}{t^2}}$$

in which t = thickness of web, in inches; d = clear, unsupported dimension horizontally or vertically, whichever is the lesser.

In proportioning the flanges of plate girders, one eighth of the gross area of the web may be considered as available in each flange. If the length of the top flange unsupported laterally exceeds twenty times its width, the allowable stress shall be reduced, as in the case of rolled beams.

Pins shall be computed by assuming the forces in the bars to act at the centre of the bearing areas.

In riveted trusses the centre of gravity lines of members coming together at a joint shall, if possible, intersect at a point. Excentricity due to a non-fulfillment of this rule shall be allowed for in the computations. The centre of gravity of the rivets connecting one piece to another shall, in general, lie as nearly as practicable in the centre of gravity line of the piece.

CLASSIFICATION.

*First and Second Class Buildings.*Classification
of buildings.

SECTION 17. Every building over seventy-five feet in height hereafter erected or raised and every house adapted for habitation more than five stories in height and exceeding sixty-five feet above the basement or covering more than five thousand superficial square feet on the ground floor, regardless of height, shall be constructed as a first class building; and all other houses may, except as herein otherwise provided, be of second or third class construction.

New buildings adapted for habitations, and not more than five stories above the cellar or basement, may be erected of second class construction, but no such building shall exceed five thousand square feet in superficial area or sixty-five feet in height. The first story or basement, or both the first story and basement, in such buildings, so constructed, altered, remodelled or enlarged, may be used for mercantile purposes, provided, that the walls and ceilings surrounding the areas so used shall be fire-stopped to the satisfaction of the commissioner.

Proviso.

New buildings, of concrete, concrete blocks or brick, not over three stories in height, adapted for the occupancy of a single family and having a superficial area of not more than twelve hundred square feet, may be constructed with external and party or division walls of eight inches in thickness: *provided, however*, that where the party wall of a building thus constructed joins or becomes the party wall of another such building, the floor timbers in each of such buildings shall be so spaced or protected that their ends shall not approach nearer than within eight inches of each other.

*Restriction of Areas.*Restriction of
areas.

Any first class building used above the first floor as a warehouse or store for the storage or sale of merchandise shall have all vertical openings protected by fireproof enclosures. Such enclosures shall, if enclosing stairs or escalators, have automatic doors, and all glass in said enclosure shall be wire glass.

Such buildings shall so be divided by brick walls built like party walls with the same openings allowed, that no

space inside such buildings shall exceed in area ten thousand square feet, except that when any such building has a frontage of not less than fifty feet on each of two streets, such space may exceed ten thousand square feet in area, provided that buildings in which such extension of area beyond ten thousand square feet is permitted shall have automatic fire sprinklers installed, and means of ingress and egress satisfactory to the commissioner and the board of appeal.

Restriction of areas.

Second class buildings used above the first floor as warehouses or stores for the storage or sale of merchandise shall so be divided by brick walls, built like party walls with the same openings allowed, that no space inside such buildings shall exceed in area ten thousand square feet, and no existing wall in any second class building shall be removed so as to leave an area of more than ten thousand square feet, nor shall any existing wall, separating areas which combined would exceed ten thousand square feet in area, have openings cut in it greater in area or number than is allowed by this act for party walls.

Every second class building more than three stories high and used above the first floor as a warehouse or store for the storage or sale of merchandise shall have all vertical openings for elevators and stairways, air or light shafts, through its floors protected by fireproof enclosures. Such enclosures shall be supported on fireproof supports and framing, and shall, if enclosing stairs or escalators, have automatic doors, and all glass in said enclosures shall be wire glass.

No building used above the first floor for the storage or sale of merchandise shall have less than two means of egress from every story, one of which means may be either an outside fire escape or through a brick wall closed by automatic doors into a building of the same class; except that an independent monumental stairway extending from the basement to the second floor may be constructed.

Buildings for Manufacturing Purposes.

Buildings outside the building limits and adapted exclusively for manufacturing, storage, mechanical or stable purposes, may be built under such conditions as the commissioner shall prescribe. If of wood such buildings shall not exceed forty-five feet in height.

Buildings for manufacturing purposes.

CONSTRUCTION.

*Height.*Height of
buildings.

SECTION 18. No building, structure or part thereof shall be of a height exceeding two and one half times the width of the widest street on which the building or structure stands, whether such street is a public street or place or a private way, nor exceeding one hundred and twenty-five feet in any case. The width of such street, place or private way shall be measured from the face of the building or structure to the line of the street on the other side. If the street is of uneven width, the width shall be the average width of the part of the street opposite the building or structure; if the effective width of the street is increased by an area or setback, the space between the face of the main building and the lawfully established line of the street may be built upon to the height of two and one half times the width of the street.

All buildings or structures hereafter erected in any part of the city shall be subject to the restrictions imposed by chapter four hundred and fifty-two of the acts of the year eighteen hundred and ninety-eight, by chapter five hundred and forty-three of the acts of the year nineteen hundred and two, by chapter three hundred and eighty-three of the acts of the year nineteen hundred and five, and by chapter four hundred and sixteen of the acts of the year nineteen hundred and seven, so far as the restrictions imposed by said acts relate to the districts described therein; and shall also be subject to any restrictions lawfully imposed by the park commissioners of said city.

Excavations.

Excavations.

SECTION 19. All excavations shall so be protected, by sheet piling if necessary, by the persons causing the same to be made, that the adjoining soil shall not cave in by reason of its own weight. It shall be the duty of the owner of every building to furnish, or cause to be furnished, such support that his building shall not be endangered by any excavation: *provided*, that the owner of any building which is endangered by an excavation carried by an adjoining owner more than ten feet below the grade of the street may recover the expense so caused of supporting such building

Proviso.

from the persons causing such excavation to be made. All permanent excavations shall be protected by retaining walls. In case of any failure to comply with the provisions of this section the commissioner may enter upon the premises and may furnish such support as the circumstances may require. Any expense so incurred may be recovered by the city from the persons required by law to furnish the support.

Piling.

SECTION 20. All buildings shall, if the commissioner Piling. determines that piling is necessary, be constructed on foundation piles which, if of wood, shall be not more than three feet apart on centres in the direction of the wall, and the number, diameter and bearing of such piles shall be sufficient to support the superstructure proposed. The commissioner shall determine the grade at which the piles shall be cut. The commissioner may require any applicant for a permit to ascertain by boring the nature of the ground on which he proposes to build, and he may require an inspector satisfactory to the commissioner to be at all times on the work while piles are being driven, who shall keep an accurate record of the length of each pile, the weight and fall of the hammer, and the penetration of each pile for each of the last two blows of the hammer.

Plain concrete piles shall be made in place by methods which are reasonably certain to secure perfect, full sized piles. Reinforced concrete piles if properly designed to resist the shock of driving, and if driven with a cushion to lessen the shock or by a water jet, may be molded, allowed to harden, and then driven in place.

In case concrete piles are used, whether reinforced or not, their bearing power shall be determined by putting in one or more test piles and loading them after the concrete has hardened. The load allowed shall not be more than one half the load under which the pile begins to settle. In no case, however, shall the load on a concrete pile exceed that specified herein for concrete in columns. Concrete for piles shall have not more than five parts of properly made and mixed aggregate to one part of Portland cement; and the aggregate shall all be capable of passing through a one inch ring.

All wood piles shall be capped with block granite levellers, each leveller having a firm bearing on the pile or

piles which it covers, or with first class Portland cement concrete, not less than sixteen inches thick, above the pile caps, containing one part of cement to not more than six parts of properly graded aggregate of stone and sand, the concrete to be filled in around the pile heads upon the intervening earth.

Foundations of First and Second Class Buildings.

Foundations,
etc.

SECTION 21. Foundations of first and second class buildings may be of brick, stone or concrete. The thickness shall be as stated in section twenty-three. Foundations of rubble stone shall be allowed only under buildings less than forty-five feet in height and for a depth of less than ten feet.

The walls and piers of every building shall have a foundation, the bearing of which shall be not less than four feet below any adjoining surface exposed to the frost, and such foundation, with the superstructure which it supports, shall not overload the material on which it rests.

Cellars.

Cellars.

SECTION 22. The cellar of every building, where the grade or nature of the ground so requires, shall be sufficiently protected from water and damp by a bed at least two inches thick over the whole, of concrete, cement and gravel, tar and gravel, or asphalt, or by bricks laid in cement. No cellar or basement floor of any building shall be constructed below the grade of twelve feet above mean low water, unless such cellar is made waterproof to the satisfaction of the commissioner. All metal foundations and all constructional metal work underground shall be protected from dampness by concrete, or by other material approved by the commissioner.

Thickness of Walls.

Thickness of
walls.

SECTION 23. Except as provided in section seventeen, the external walls above the foundation of houses for habitation of first or second class construction, and not exceeding sixteen hundred square feet in area and not over three stories high, shall be not less than eight inches thick for external walls and not less than twelve inches thick for party walls. In case any part of such building is

adapted for any use other than habitation, all walls shall be not less than twelve inches thick. All other houses for habitation, not exceeding five thousand feet in superficial area and not exceeding five stories or sixty-five feet in height, above the basement, shall have all walls not less than twelve inches thick.

Thickness of walls.

The external and party walls of every building of the first or second class, except houses for habitation, less than sixty-five feet in height shall be twelve inches thick in the upper two stories not exceeding twenty-five feet in height. In the section of two stories, but not exceeding twenty-five feet next below, the walls shall be sixteen inches thick. In the next lower section of three stories, but not exceeding thirty-seven feet, the walls shall be twenty inches thick, and in each succeeding section of three stories, but not exceeding thirty-seven feet or any part thereof, the walls shall be four inches thicker than the section next above it. The foundation walls shall be at least four inches thicker than the required thickness of the walls of the first story. The thickness herein given shall apply to all masonry walls unless they are reinforced by a frame or skeleton of steel.

In reckoning the thickness of walls, ashlar shall not be included unless the walls are at least sixteen inches thick and the ashlar is at least eight inches thick, or unless alternate courses are at least four and eight inches to allow bonding with the backing. Ashlar shall be properly held by metal clamps to the backing or properly bonded to the same.

Anchors.

SECTION 24. All walls of a first or second class building meeting at an angle shall be securely bonded, or shall be united every five feet of their height by anchors made of at least two inches by half an inch of steel or wrought iron, well painted, and securely built into the side or partition walls not less than thirty-six inches, and into the front and rear walls at least one half the thickness of such walls.

Anchors.

Brickwork — Bonding.

SECTION 25. Every eighth course, at least, of a brick wall shall be a full heading or bonding course, except where walls are faced with face brick, in which case in every eighth course at least every other brick shall be a full header. No diagonal header ties shall be used.

Brickwork — bonding.

Vaulted Walls.

Vaulted walls.

SECTION 26. If the air spaces are headed over and the walls are built solid for at least three courses below the floor and roof beams, walls, if of brick, may be built hollow. They shall contain, exclusive of withes, the same amount of material as is required for solid walls, and the masonry on the inside of the air space in walls over two stories in height shall be not less than eight inches thick, and the parts on either side shall be securely tied together with ties not more than two feet apart in each direction.

*Walls Framed with Iron or Steel.*Walls framed
with iron or
steel.

SECTION 27. Walls may be built in part of iron or steel or with a reinforced concrete or metal framework. In such metal framework the beams and girders shall be riveted to each other at their respective junction points. If columns made of rolled iron or steel are used, their different parts shall be riveted to each other, and the beams and girders resting upon them shall, if possible, have riveted connections to unite them with the columns. If cast iron columns are used, each successive column shall be bolted to the one below it by at least four bolts not less than three fourths of an inch in diameter, and the beams and girders shall be bolted to the columns. At each line of floor or roof beams, lateral connections between the ends of the beams and girders shall be made in such manner as rigidly to connect the beams and girders with each other in the direction of their length.

All party walls of skeleton construction shall have curtain walls of brick, not less than twelve inches thick.

All outside walls of skeleton construction shall have curtain walls which may be of masonry, terra-cotta, concrete, or reinforced concrete, constructed and supported under such conditions as the commissioner shall prescribe.

If the metal or other framework is so designed that the enclosing walls do not carry the weight of floors or roof, then the walls shall be of masonry or concrete construction and shall be thoroughly anchored to the iron skeleton, and whenever the weight of such walls rests upon beams or columns, such beams or columns shall be made strong enough in each story to carry the weight of wall resting upon them without reliance upon the walls below them.

Party Walls Above Roof.

SECTION 28. In buildings less than forty-five feet in height all party walls shall be built to a height at least twelve inches above the roof covering, and shall be capped with stone, cement or metal securely fastened to the masonry. In all other buildings such walls shall be carried thirty inches above the roof.

Party walls
above roof.

Walls — Cornices.

SECTION 29. Where a wall is finished with a stone cornice, the greatest weight of material of such cornice shall be on the inside of the face of the wall. All cornices of second class buildings shall be of brick or covered with fireproof material, and the walls shall be carried up to the boarding of the roof; and where the cornice projects above the roof the masonry shall be carried up to the top of the cornice and covered with metal, like parapet walls.

Walls —
cornices.

Piers and Hearths.

SECTION 30. Piers and walls shall have caps or plates, where they are needed, sufficient properly to distribute the load.

Piers and
hearths.

Hearths shall be supported by trimmer arches of brick or stone; or shall be of single stones at least six inches thick, built into the chimney and supported by iron beams, one end of which shall be securely built into the masonry of a chimney or of an adjoining wall, or which shall otherwise rest upon an incombustible support. Brick jambs of every fireplace, range or grate opening shall be at least eight inches wide each, and the backs of such openings shall be at least eight inches thick. Hearths and trimmer arches shall be at least twelve inches longer on either side than the width of such openings, and at least eighteen inches wide in front of the chimney breast. Brickwork over fireplaces and grate openings shall be supported by proper iron bars, or brick or stone arches.

Walls — Doorways in Party Walls.

SECTION 31. Openings for doorways in party walls shall not exceed one hundred square feet each in area, and each opening shall have two sets of fire doors separated by

Doorways in
party walls.

the thickness of the wall, hung in a manner satisfactory to the commissioner, except that the aggregate width of all openings in any story shall not exceed fifty per cent of the length of the wall in which such openings occur. Openings, not exceeding one hundred and forty-four square inches, constructed and protected as shall be approved by a writing signed by the fire commissioner, and filed with the commissioner, may be permitted in any wall or floor.

Fire Protection.

Fire
protection.

SECTION 32. All structural metal supporting or forming part of the frame, floors, roof or columns of any building, except as otherwise exempted in this act, shall be protected against the effect of heat.

This protection shall consist of concrete, or of porous terra-cotta or brick set in cement mortar. When block construction is used, it shall be clamped in place with steel clamps, or wrapped securely with number twelve galvanized-iron wire or metal lathing in such manner as to hold each block in place, and shall be plastered with lime or other mortar at least three fourths of an inch thick in addition to the protection.

The protection on all floor and roof beams shall be at least one inch thick, on all floor and roof girders and on all beams carrying masonry at least one inch thick on top and two inches thick elsewhere, on all columns carrying only floors three inches, and on all columns built into or carrying walls four inches.

If terra-cotta blocks are used for protection, such blocks may be hollow, but each face shall be solid, and no flange shall be less than one inch thick.

Plaster on wire or metal lath shall not be considered as a fire protection for steel or iron structural members, but may be used with an air space under arches as a suspended ceiling, provided that such arches have at least one inch of thickness of fireproofing under the flanges in addition to such ceiling, and that the metal lath and plaster are suspended separately from the arches and are not less than one inch below the same.

All protection shall be applied directly to the metal work and shall not be broken into nor interrupted by any pipes, wires, chases or conduits of any kind.

About isolated columns on the exterior of buildings, the thickness of protection may be reduced to one inch, when the same is covered with an outer shell of cast iron or steel.

Fire
protection.

When a column or girder is formed of built up shapes, the spaces between flanges shall be filled solid with protecting material, but this protection need not extend more than one inch beyond the edges of projecting angles, bars or channels. The protection shall cover all lugs, brackets, braces, etc.

The metal work of all trusses carrying masonry or floor loads shall be protected, as hereinbefore described, but said provisions shall not apply to trusses which carry roof load only.

When a wall or partition is formed with a framework of angles, channels, or other built-up shapes, and such wall or partition is filled in flush with both faces of the frame with terra-cotta blocks, additional protection may be omitted.

The above requirements as to fireproofing shall not apply to iron or steel in second or third class buildings in any case in which the use of wood without fire protection would be permissible under this act.

In work in connection with alterations of existing buildings, the character and amount of protection for steel and ironwork shall be made satisfactory to the commissioner.

In positions where the protection of isolated or exposed columns is likely to be broken or damaged by trucks or merchandise, there shall be outside of the protection a guard at least five feet high of iron or wood, bound with wire or steel so as to be self-supporting.

Spaces between and behind all studding or furring shall be filled solid with bricks and mortar or other fireproof material for a space of five inches in height above the floor beams or plaster grounds. Spaces between the strap furring on brick walls shall be filled solid with mortar for five inches below the bottom of the floor beams. The spaces between the stringers of stairs and joists of landings, unless unceiled or of fireproof construction, shall be stopped solid with wood, brick or terra-cotta or other approved material as often as twice in each flight of stairs. The spaces between floor beams on bearing partitions shall be stopped in a similar manner.

Fire
protection.

In every building of second or third class construction each floor shall be thoroughly stopped by a continuous layer of asbestos fabric, magnesio calcite or other fire-resisting material approved by the commissioner.

The tops of all heating furnaces and smoke pipes shall be at least one foot below the nearest wooden beams or ceiling. All ceilings immediately over a furnace or boiler, and for six feet on each side thereof, and all ceilings over indirect radiators shall, except under fireproof floors, be metal lathed and plastered.

All hot-air register boxes in the floors or partitions of buildings shall be set in soapstone or equally fireproof borders not less than two inches in width, shall be made of tin plate, and shall have double pipes and boxes properly fitted to the soapstone. Hot-air pipes and register boxes shall be at least one inch from any woodwork, and register boxes shall be fifteen inches by twenty-five inches, or larger, and their connecting pipes shall be two inches from any woodwork. If indirect hot water or indirect steam heat is used, the commissioner may modify or dispense with the foregoing requirements.

Fireproof Partitions.

Fireproof
partitions.

SECTION 33. Partitions in buildings of first class construction shall be constructed of plastering applied to metal lathing, or to plaster boards, or to hollow blocks composed of cement, plaster, or terra-cotta. When block construction is used it shall be self-supporting above all openings, thoroughly bonded and set in Portland cement. The blocks shall start from the floor and shall be continuous to the floor above, except that in the upper story, where there is a space between the ceiling of the top story and the roof, these partitions need not extend above the ceiling. If plastered on both sides the blocks shall be not less than four inches thick up to a height of fifteen feet, and shall be increased one inch for every additional eight feet or fraction thereof. The thickness of webs shall be not less than three fourths of an inch.

If partitions are not plastered on both sides, the thickness of blocks shall be one inch greater than as specified above.

Timbers in Walls of Second Class Buildings.

SECTION 34. The ends of all wooden floor or roof beams in second class buildings shall enter the wall to a depth of at least four inches. When the wall is eight inches thick it shall be corbelled or the beams shall be hung in metal hangers; and the ends of all such beams shall so be shaped or arranged that in case of fire they may fall without injury to the wall.

Timbers in walls, etc.

Alteration of Existing Buildings.

SECTION 35. Any building, except those of third class construction within the building limits, having not more than five floors above the mean grade of all the sidewalks, may be altered, remodelled or enlarged for use as a house for habitation using second class construction.

Alteration of existing buildings.

The first story or basement, or both the first story and basement, in such buildings may be used for mercantile purposes, provided that the walls and ceilings surrounding the area so used shall be fire-stopped to the satisfaction of the commissioner.

The height of any such building shall not be increased unless the walls and foundations conform to the provisions of this act. The number of stories of such a building shall not exceed five above the cellar or basement.

Every such building, more than thirty-three feet in height, so altered, remodelled or enlarged, shall be provided with at least two independent exits satisfactory to the commissioner.

Every such building, so altered, remodelled or enlarged, shall have, in addition to the exposure on the widest street, an exposure as long as the average width of the building, upon a space open from the ground to the sky, at least ten feet wide for the first three stories, and increasing in width five feet for the next two stories. If the proposed building is more than five stories in height, said space shall be twenty feet: *provided*, that if the basement and first story are adapted or enlarged for use for mercantile purposes, the exposure required by this section shall not apply to that part of the building; and *provided, also*, that sufficient space be retained on the lot for the storage of ashes and garbage.

Provisos.

Alteration
of existing
buildings.

Such exposure may be either upon private or public ways, or upon land which is dedicated for the use of the building, and may be divided and placed as approved by the building commissioner.

These spaces shall remain undiminished so long as the building is used for habitation.

If the building is situated on the corner of streets or private ways not less than ten feet wide the commissioner may approve the omission of the whole or part of this additional exposure.

If in the opinion of the commissioner the alteration proposed to be made in a building is of such extent as, when done, to produce a practically new structure or to impair the stability or increase the fire risk of the structure as a whole, then the whole structure shall be made to conform to the provisions of this act for a new structure of the same class. A building damaged by fire or other casualty may be repaired or restored so as to conform to its original condition, or may be reconstructed in some or all of its parts, so as to conform to the requirements of this act for new buildings, as the commissioner may specify in his permit.

Every living room in a building adapted for habitation shall have a window on the open air of an area not less than ten square feet and distant in a three story building not less than six feet from any opposite wall; distant in a four story building not less than eight feet from any opposite wall; distant in a five story building not less than ten feet from any opposite wall. This shall not apply to the construction of third class buildings, except the provision for a window on the open air of an area.

The exposure required under this section shall apply to all buildings hereafter constructed adapted for habitation, except as is otherwise provided for tenement houses.

Floors — Loads.

Floors —
Loads.

SECTION 36. All new or renewed floors and stairs shall be so constructed as to carry safely the weight to which the proposed use of the building may subject them, and every permit granted shall state for what purpose the building is designed to be used; but the least capacity per superficial square foot, exclusive of materials, shall be:—

For floors of houses for habitation, fifty pounds.

For office floors and for public rooms of hotels and houses exceeding five hundred square feet, one hundred pounds.

For floors of retail stores and public buildings, except schoolhouses, or for light manufacturing, one hundred and twenty-five pounds.

For floors of schoolhouses, other than floors of assembly rooms, sixty pounds, and for floors of assembly rooms, one hundred and twenty-five pounds.

For floors of drill rooms, dance halls and riding schools, two hundred pounds.

For floors of warehouses and mercantile buildings, at least two hundred and fifty pounds.

For flat roofs, forty pounds.

For stairs, landings, platforms and fire escapes, seventy pounds.

The loads not included in this classification shall be determined by the commissioner.

The full floor load specified in this section shall be included in proportioning all parts of buildings designed for warehouses, or for heavy mercantile and manufacturing purposes. In other buildings, however, reductions may be allowed, as follows: for girders carrying more than one hundred square feet of floor, the live load may be reduced ten per cent. For columns, piers, walls and other parts carrying two floors, a reduction of fifteen per cent of the total live load may be made; where three floors are carried, the total live load may be reduced by twenty per cent; four floors, twenty-five per cent; five floors, thirty per cent; six floors, thirty-five per cent; seven floors, forty per cent; eight floors, forty-five per cent; nine or more floors, fifty per cent.

The commissioner may prescribe the maximum loads which may be imposed upon the floors of existing buildings.

Floors —
Loads.

Shutters.

SECTION 37. In all first or second class mercantile or manufacturing buildings over thirty feet in height, outside openings in party walls, or in any rear or side wall within twenty feet of an opposite wall or building, shall have metal frames and sashes and shall be glazed with wire glass or shall be protected by shutters. Such shutters shall be

Shutters.

covered on both sides with tin or shall be made of other substantial fireproof material, and hung on the outside, either upon independent metal frames or upon metal hinges attached to the masonry, and shall be made to be handled from the outside, and one such shutter in each room shall have a protected hand-hole eight inches in diameter.

Elevators.

Elevators.

SECTION 38. Elevators and hoists for freight which do not run above the first story may be constructed without fireproof enclosures. Freight and passenger elevators may be placed in areas or hallways where the same are continuous and unbroken, such elevators to be protected by metal grille. Except as above provided, all shafts for elevators, hoists, dumb-waiters, lifts, light and ventilating shafts or other air ducts shall be constructed of fireproof material. The tops of all such shafts shall be covered with fireproof material unless the shaft extends above the upper floor of the building, and in that case the shaft shall be carried at least three feet above the roof and shall be covered with a skylight. Such shafts, if for freight or passenger elevators, shall be of brick at least eight inches thick, or of metal covered on both sides with at least one inch of plaster applied immediately to the metal, or with some other equally substantial fireproof material.

Every opening into a shaft or hoistway shall be protected by self-closing gates, rails, trap-doors, or other equivalent devices.

Every elevator shall be provided with a safety attachment to prevent the falling of the car. The machinery over the elevator shall have underneath it a grille sufficient to protect the car from falling material.

Every opening into an elevator shaft or hoistway and every opening through a floor, other than a stairway, shall be closed when not in use.

All elevator shaft openings, other than openings into passenger elevator shafts, shall be furnished with metal-covered or incombustible doors, hung in a manner satisfactory to the commissioner, and shall be provided with iron thresholds. Wire glass panels may be used in such doors. Outside windows or openings of every elevator shaft shall have three vertical iron rods, painted red, equally spaced off in such window or opening.

Freight elevators shall be equipped with a suitable danger signal to warn people of the approach of the elevator. Elevators.

The space between the car and door of each landing shall be not more than two inches.

No elevator shall be used in any building until the same is approved in writing by the commissioner.

In case any freight or passenger elevator is not constructed or furnished in compliance with this act, or has become unsafe, the commissioner shall post a conspicuous warning and prohibition at each entrance to such elevator. It shall thereafter, until a new written permit is given by the commissioner, be a penal offence hereunder to operate the said elevator, or to remove or deface the said notice.

Freight elevator wells hereafter built on the line of the external wall of a building shall be so constructed that there shall be no recess in the outer wall along the whole line of the same, and that no more than four inches space shall be allowed between the platform of the car and the outer wall. The side of the platform and the line of the doorway shall be flush with the well-way, and the door openings from the said elevator well into the building shall be placed at least six inches back from the face of the well, so as to allow space enough for self-closing gates to operate between the door and the well opening. Outside openings to freight elevators shall be protected by self-closing slatted gates, "vertical", with spaces not wider than two inches between the slats.

All elevators running at a speed of more than one hundred feet a minute, shall be operated by competent persons not less than eighteen years of age, and no other person shall operate or have the care or charge of such an elevator.

No elevator shall be operated by or placed in charge of any person under sixteen years of age.

No elevator shall hereafter be installed in any building without a permit having been granted therefor, and the applicant shall submit a plan showing the proposed location of the shaftway, the area and situation of the machine room, and the said plan shall be filed as part of the records of the department. All elevators hereafter installed shall be located so as to give easy and safe access to all the principal parts of the machinery for inspection and repairs.

All passenger elevators hereafter built operated by drum and cables, shall have an overspeed governor to prevent the

Elevators.

car from descending at overspeed, and all passenger and freight elevators shall have a slack cable device to stop the machinery in case the car is held up or the cables part.

If any accident shall occur to any elevator affecting life or limb or damaging any part of the machinery or running parts of the elevator, it shall be the duty of the engineer or superintendent in charge immediately, before any repairs are made, or any broken pieces are removed, to notify the commissioner of the accident, before the elevator is operated again, so that the cause of the accident may be determined, any faulty construction remedied, and satisfactory repairs made.

All elevator cables hereafter installed that pass through bevelled sockets, the ends returning and refitting into the same, shall have in addition lead or babbitt metal poured into the ends of the socket, to prevent the possibility of the cable's slipping.

All manufacturers of elevators shall be required to test, in the presence of an inspector, the safety devices of every elevator installed before the same is turned over to the owners for use, and the commissioner shall be notified by the manufacturer at least twenty-four hours before such test is made. An inspector may require a test of the safety device of any elevator if in his judgment the same is required.

The commissioner may require additional safeguards on elevators, if in his judgment the condition, use or surroundings of the elevator demand them.

The commissioner may, with the approval of the mayor, appoint competent elevator inspectors in addition to those already detailed, one for every one thousand elevators and hoistways in the city of Boston.

Wooden Buildings.

Wooden
buildings.

SECTION 39. Every wooden building hereafter erected shall have a foundation of concrete, rubble, block granite or brick, laid in mortar or other equally substantial material, carried to the surface of the ground. Every such foundation if of brick or concrete, shall be at least twelve inches thick; if of granite, shall be at least sixteen inches thick; if of rubble, shall be at least twenty inches thick; and shall be laid at least four feet below any surface ex-

posed to frost and upon solid ground or upon piles properly spaced.

Every wooden building hereafter erected or altered, the sills of which do not rest directly upon a foundation as above described, but on an underpinning, shall have such underpinning made of brick, stone or concrete; and if the building is thirty-three feet or less in height above the highest street level of its principal front, the underpinning, if of brick or concrete, shall be at least eight inches thick, and if the building is of greater height, the underpinning, if of brick or concrete, shall be at least twelve inches thick; every underpinning of stone shall be at least sixteen inches thick. Every wooden building, hereafter erected on soft and marshy land, and used for a workshop or other like purpose, or as a temporary structure, may, if the commissioner approves, rest upon mud sills or blocks, or on piles.

Underpinning.

Every wooden building hereafter erected or altered shall have all its parts of sufficient strength to carry the weight of the superstructure; shall be built with sills, posts, girts, studs and plates, properly framed, mortised, tenoned, braced and pinned in each story, or with a balloon frame; the posts and girts shall be not less than four by six inches in cross section, and the studs shall be not more than twenty inches apart. Wooden buildings hereafter erected for other purposes than habitation shall not be situated within five feet of the line of the lot unless the side wall on such line or lines be of brick or concrete, built to the under side of the roof.

To be of sufficient strength to carry the weight.

SECTION 40. No wooden building hereafter erected to be used as a habitation shall be more than three stories in height above the basement, nor more than forty-five feet in height above the street level, nor shall any part of such building, except the eaves and cornice, be nearer than three feet to the line of any adjoining lot, and if built on land of the same owner, nearer than six feet to any other building, unless the side wall of such adjoining building is constructed as a solid brick or concrete wall not less than eight inches thick and carried twelve inches above the roof.

Wooden building for habitation not to be more than three stories in height.

Every wooden building hereafter constructed to form a block of two or more houses shall have a brick or concrete party wall between adjoining houses, which shall be not less than eight inches thick, shall be carried twelve inches above the roof, and shall be capped with a metallic covering.

Party wall between adjoining houses.

Flooring during Construction.

Flooring
during
construction.

SECTION 41. If, in the erection of an iron or steel frame building, the spaces between the girders or floor beams of a floor are not filled and covered by the permanent construction of such floors before another story is added to the building, a close plank flooring shall be placed and maintained over such spaces during construction. If and when such flooring cannot be used without serious interference with the work of construction, such provision shall be made to protect the workmen from falling materials as will be satisfactory to the commissioner.

ADDITIONAL REQUIREMENTS FOR TENEMENT HOUSES.

Definitions.

Definitions.
Tenement
house.

SECTION 42. Certain words are defined as follows:—

(1.) A tenement house is any house, building, structure or portion thereof, occupied, or adapted for occupation, as a dwelling by more than three families living independently of one another and doing their cooking upon the premises, or by more than two families above the first story so living and cooking. A family living in a tenement house may consist of one or more persons.

An existing tenement house is any building erected as such or converted to such use or as altered for such use or so used before the passage of this act, and any building adapted for such use, provided that a permit was issued for the erection of said building before the passage of this act.

A tenement house hereafter erected is any tenement house other than an existing tenement house as above defined.

Corner lot.

(2.) A corner lot is a lot situated at the junction of two or more streets, or of two or more streets and alleys or open passageways not less than fifteen feet in width.

Yard.

(3.) A yard is an open unoccupied space on the same lot with a building and between the extreme rear line of said building and the rear line of the lot.

Court.

(4.) A court is an open unoccupied space other than a yard on the same lot with a building. An inner court is a court not extending to a street, or alley, or open passage-

way, or yard. An outer court is a court extending to a street, or alley, or open passageway, or yard. A vent court is an inner court for the lighting and ventilation of water-closets, bath rooms, public halls, and stair halls only. An intake is a passageway connecting an inner court with a street, or alley, or open passageway, or yard.

(5.) A shaft, whether for air, light, elevator, dumb-waiter, or any other purpose, is an enclosed space within a building, extending to the roof, and covered either by a skylight or by the roof. A vent shaft is a shaft used solely to ventilate or light water-closet compartments or bath rooms. Shaft.

(6.) A public hall is a hall, corridor, or passageway not within an apartment. Public hall.

(7.) A stair hall includes the stairs, stair landings, and those parts of the public hall through which it is necessary to pass in going from the entrance floor to the roof. Stair hall.

(8.) An apartment is a room, or suite of two or more rooms, occupied, or suitable for occupation, as a residence for one family. Apartment.

(9.) Repairs means any renewal of any existing part of a building, or of its fixtures or appurtenances, which does not lessen the strength of the building. Repairs.

Fire-escapes.

SECTION 43. In all tenement houses hereafter erected and more than three stories in height above the basement or cellar there shall be provided one of the following means of egress for escape from fire: (1) an interior enclosed stairway as described in this section; or (2) an exterior iron fire-escape and stairs as hereinafter described; or (3) iron balconies connecting with adjoining houses, or with adjoining parts of the same house separated from each other by a brick partition wall in which there are no openings except such as are protected with fireproof self-closing doors; and every apartment above the first floor shall have access to one of such means of egress. Fire-escapes.

(1.) Interior fire-escapes may consist of wooden circular stairs occupying a space of a diameter not less than four feet six inches. Such stairs shall extend from the top floor to the level of the basement, where they shall open into either an outer or an inner court or yard. These stairs

shall be separated in the basement from the basement by brick walls at least eight inches thick, and the stairs above the basement shall be enclosed with fireproof partitions clear to a vent skylight, and shall have on each floor, in a public hall accessible from each apartment, a fireproof self-closing door and fireproof frame; the door to open into the corridor, and to be so arranged that it cannot be opened from the stair side; such staircase to be provided with a ventilating skylight at least nine square feet in area. The soffits of the stairs, if they are of wood, shall be plastered on metal lathing.

(2.) Exterior fire-escapes shall be of iron, with iron grated floor, and capable of bearing a load of seventy pounds per square foot. The stair treads shall be of iron, and the pitch of the stairs shall not exceed sixty degrees.

Balconies.

Balconies shall be at least three feet four inches wide, and the stairs at least twenty inches. There shall be a landing at the foot of each flight, and at the level of the second floor there shall be cantilever ladders. The rails on horizontal balconies and on the stairs shall be at least two feet ten inches high at all points.

(3.) Balconies connecting adjoining houses, or adjoining parts of the same house as described above, shall be not less than thirty inches wide and capable of sustaining a load of seventy pounds per square foot. Railings shall be not less than two feet ten inches high, and shall be of iron.

Bulkheads and Scuttles.

Bulkheads
and scuttles.

SECTION 44. Every tenement house of the first or second class hereafter erected shall have in the roof a fireproof bulkhead with a fireproof door to the same, and shall have fireproof stairs with a guide or hand rail leading to the roof, except that in such tenement houses which do not exceed sixty-five feet in height, such bulkheads may be of wood covered with metal on the outside and plastered on metal lathing on the inside; provided that the door shall be covered with metal on both sides.

Every other tenement house shall have in the roof a bulkhead or scuttle. No scuttle shall be less in size than two feet by three feet, and all scuttles shall be covered on the outside with metal, and shall be provided with stairs or stationary ladders leading thereto and easily accessible

to all tenants of the building, and kept free from encumbrance, and all scuttles and ladders shall be kept so as to be ready for use at all times. No scuttle shall be situated in a closet or room, but all scuttles shall be in the ceiling of the public hall on the top floor, and access through the scuttle to the roof shall be direct and uninterrupted. Scuttles shall be hinged so as to readily open. Every bulkhead hereafter constructed in a tenement house shall be constructed as provided for tenement houses hereafter erected and shall have stairs with a guide or hand rail leading to the roof, and such stairs shall be kept free from encumbrance at all times. No lock shall be placed on any scuttle or bulkhead door, but either may be fastened on the inside by movable bolts or hooks. All key-locks on scuttles and on bulkhead doors shall be removed. No stairway leading to the roof in a tenement house shall be removed.

Stairs and Public Halls.

SECTION 45. Every tenement house hereafter erected shall have at least one stairway extending from the entrance floor to the roof, and every tenement house hereafter erected containing more than one hundred rooms above the first floor, exclusive of water-closets and bath rooms, shall have an additional separate stairway for every additional one hundred rooms or fraction thereof. Public halls therein shall each be at least three feet wide in the clear, and stairs shall be at least three feet wide between the wall and the stair rail.

Stairs and
public halls in
tenement
houses.

Each stairway shall have an entrance on the entrance floor from a street or alley or open passageway or from an outer court, or from an inner court which connects directly with a street or alley or open passageway. All stairs shall be constructed with a rise of not more than eight inches, and with treads not less than nine inches wide and not less than three feet long in the clear. Where winders are used all treads at a point eighteen inches from the strings on the wall side shall be at least ten inches wide.

In every tenement house all stairways shall be provided with proper balusters and railings kept in good repair. No public hall or stairs in a tenement house shall be reduced in width so as to be less than the minimum width prescribed in this section.

Stair Halls, Construction of.

Construction
of stair halls.

SECTION 46. In tenement houses hereafter erected which do not exceed five stories above the cellar or basement or sixty-five feet in height the stair halls shall either be constructed with iron beams and fireproof filling or shall be filled in between the floor beams with at least five inches of cement deafening. In such houses the stairs may be of wood, provided that the soffits are covered with metal laths and plastered with two coats of mortar, or with good quality plaster-boards not less than one half inch in thickness made of plaster and strong fibre, and all joints made true and well pointed, and provided that such stairs are furnished with firestops.

Stair Halls, how Enclosed.

Stair halls,
how enclosed.

SECTION 47. In second class and third class tenement houses hereafter erected, the stair halls may be enclosed with wooden stud partitions, if such partitions are covered on both sides with metal laths or with good quality plaster-boards not less than one half inch in thickness, made of plaster and strong fibre, and all joints made true and well pointed, and provided that the space between the studs is filled in with brick and mortar or other incombustible material to the height of the floor beams.

Entrance Halls.

Entrance
halls.

SECTION 48. Every entrance hall in every tenement house hereafter erected shall be at least three feet six inches wide in the clear, from the entrance up to and including the stair enclosure, and beyond this point at least three feet wide in the clear, and shall comply with all the conditions of the preceding sections of this act as to the construction of stair halls, except that in a fireproof tenement house hereafter erected the entrance hall may be enclosed with terra-cotta blocks not less than four inches thick and angle-iron construction, instead of brick walls. If such entrance hall is the only entrance to more than one stairway, that portion of said hall between the entrance and the stairway shall be increased at least eighteen inches in width in every part for each additional stairway.

Cellar Ceilings.

SECTION 49. In all tenement houses of the second or third class hereafter erected, the cellar and basement ceilings shall be lathed with metal laths and plastered. Cellar ceilings.

Partitions, Construction of.

SECTION 50. In all tenement houses of the second or third class hereafter erected all stud partitions which rest directly over each other shall run through the wooden floor beams and rest upon the cap of the partition below, and shall have the studding filled in solid between the uprights to the depth of the floor beams with suitable materials. Construction of partitions.

Wooden Tenement Houses.

SECTION 51. Outside of the building limits, tenement houses not exceeding three stories in height above the basement, nor eighteen hundred square feet in area, may be erected of wood. No wooden tenement house shall be increased in height so as to exceed three stories above the basement or cellar. Wooden tenement houses.

Shafts.

SECTION 52. All elevator or dumb-waiter shafts hereafter constructed in any tenement house shall be fireproof throughout, with fireproof self-closing doors at all openings at each story. But nothing in this section shall be so construed as to require enclosures about elevators or dumb-waiters in the well-hole of stairs where the stairs themselves are enclosed in walls of incombustible materials, and are entirely constructed of fireproof materials as hereinbefore provided. Every vent shaft hereafter constructed in any tenement house shall have an intake of at least the dimensions provided for vent courts in section sixty-one, and shall be of the same minimum dimensions; and the skylight covering such vent shaft shall be raised at all points at least one foot above the top of the walls of such vent shaft, and the space between the top of said walls and the skylight shall remain at all points open and unobstructed except for such supports essential to the stability of the skylight, as may be approved by the commissioner. Shafts in tenement houses.

Bakeries and Fat Boiling.

Bakeries, etc.

SECTION 53. No bakery and no place of business in which fat is boiled shall be maintained in any tenement house which is not fireproof throughout, unless the ceiling and side walls of said bakery or of the said place where fat boiling is done are made safe by fireproof materials around the same, and there shall be no openings either by door or window, dumb-waiter shafts or otherwise, between said bakery or said place where fat is boiled in any tenement house and the other parts of the building.

Other Dangerous Businesses.

Other dangerous businesses.

SECTION 54. All transoms and windows opening into halls from any part of a tenement house where paint, oil, spirituous liquors or drugs are stored for the purpose of sale or otherwise shall be glazed with wire-glass, or they shall be removed and closed up as solidly as the rest of the wall. There shall be between any such hall and such part of said tenement house a fireproof self-closing door.

LIGHT AND VENTILATION.

Yards.

Light and ventilation in yards.

SECTION 55. The requirements for yards hereinafter provided shall be deemed sufficient for all tenement houses.

Except in those cases hereinafter provided for, there shall be, behind every tenement house hereafter erected, a yard extending across the entire width of the lot, and at every point open from the ground to the sky unobstructed, except by fire-escapes or unenclosed outside stairs.

The depth of said yard shall be measured from the extreme rear wall of the house to the rear line of the lot, and at right angles to said line, except that where there is an alley or open passageway in the rear of the lot the depth of the yard may be measured to the middle of said alley or open passageway. On an irregular lot of several depths, where there is more than one rear line to the lot, such yard may extend across the entire width of the lot in sections, provided that each section of the yard is in every part and at every point of the minimum depth hereinafter prescribed. Where the side lines of a lot converge toward the

rear, the depth of the yard shall be such as to give it an area equal to the greatest width of the yard multiplied by the depth hereinafter prescribed. Light and ventilation in yards.

Except on a corner lot, the depth of the yard behind every tenement house hereafter erected fifty feet in height or less shall be not less than twelve feet in every part. All yards without exception shall be increased in depth at least one foot for every additional ten feet of height of the building, or fraction thereof, above fifty feet.

Except as hereinafter otherwise provided, the depth of the yard behind every tenement house hereafter erected upon a corner lot shall not be less than six feet in every part. But where such corner lot is more than twenty-five feet in width, the depth of the yard for that portion in excess of twenty-five feet shall be not less than twelve feet in every part, and shall increase in depth as above provided.

Whenever a tenement house is hereafter erected upon a lot which runs through from street to street, or from a street to an alley or open passageway, and said lot is one hundred and fifty feet or more in depth, said yard space shall be left midway between the two streets, and shall extend across the entire width of the lot, and shall be not less than twenty-four feet in depth from wall to wall, and shall be increased in depth at least two feet for every additional ten feet in height of the building, or fraction thereof, above fifty feet.

When a tenement house hereafter erected does not front upon a street, a public alley, or a passageway, not less than fifteen feet wide, the requirements in this section as to yards shall apply to the front of such tenement house as well as to the rear. Neither the yard behind one tenement house nor any part thereof shall be deemed to satisfy in whole or in part the requirement of a yard in front of another tenement house.

Cases in which no Yard shall be required.

SECTION 56. No yard shall be required behind a tenement house hereafter erected upon a lot which abuts at the rear upon a railroad right of way, a cemetery or a public park. Yards not required in certain cases.

No yard shall be required behind a tenement house hereafter erected upon a lot entirely surrounded by streets or by streets, alleys or open passageways, not less than

Yards not
required in
certain cases.

fifteen feet in width, or by such streets, alleys, and passageways and a railroad right of way, a cemetery or a public park.

No yard shall be required behind a tenement house hereafter erected upon a lot less than one hundred and fifty feet deep and running through from street to street or from a street to an alley or open passageway not less than fifteen feet in width, or upon a corner lot adjoining a lot less than one hundred and fifty feet deep and running through from street to street, or from a street to such an alley or open passageway.

No yard shall be required behind a tenement house hereafter erected upon a corner lot adjoining a lot more than one hundred and fifty feet deep and running through from street to street or from a street to an alley or open passageway not less than fifteen feet in width; but if there be no yard, an outer court upon such corner lot shall extend from the street along the line of such adjoining lot to a point in line with the middle line of the block; the width of said court to be not less than the width of court prescribed in the ensuing paragraph.

No yard shall be required behind a tenement house hereafter erected upon a corner lot adjoining two or more lots any one of which bounds upon a single street or alley, or open passageway not less than fifteen feet in width; but if there be no yard an outer court upon such corner lot shall extend from the street, or from such alley or open passageway along a lot line either to the extreme rear of an adjoining lot or to the extreme rear of said corner lot: *provided*, that the width of said court measured from the lot line to the opposite wall of the building, for tenement houses fifty feet or less in height, shall be not less than six feet in every part, and for every additional ten feet of height of the tenement house shall be increased one foot throughout the whole length of said court.

Proviso.

Courts.

Courts.

SECTION 57. No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open to the sky unobstructed. Except such courts as are provided for in section fifty-six, all courts, except for fire-escapes, may start at the second tier of beams.

Outer Courts.

SECTION 58. The provisions of this section shall apply Outer courts. only to tenement houses hereafter erected. Where one side of an outer court is located on the lot line, the width of the said court, measured from the lot line to the opposite wall of the building, for tenement houses fifty feet or less in height shall not be less than six feet in every part; and for every ten feet of increase or fraction thereof in height of such tenement houses, such width shall be increased one foot throughout the whole length of the court, and except where the court runs through from the yard to the street, said width shall never be less than one eighth of the length of the court.

Where an outer court is located between wings or parts of the same building, or between different buildings on the same lot, the width of the court, measured from wall to wall, for tenement houses fifty feet or less in height shall not be less than twelve feet in every part, and for every ten feet of increase or fraction thereof in the height of the said building, such width shall be increased two feet throughout the whole length of the court. The depth of such courts shall never exceed four times their width.

Wherever an outer court changes its initial horizontal direction, or wherever any part of such court extends in a direction so as not to receive direct light from the street or yard, or from an alley, or open passageway not less than fifteen feet in width, the length of that part of the court shall never exceed its width, such length to be measured from the point at which the change of direction begins. Wherever an outer court between parts of the same building is twelve feet or less in depth, its width may be one half its depth, provided that such width is never less than four feet in the clear. This exception shall also apply to every offset or recess in outer courts. And no window except windows of water-closet compartments, bath rooms, or halls shall open upon any offset or recess less than four feet in width.

Inner Courts.

SECTION 59. The provisions of this section shall apply Inner courts. only to tenement houses hereafter erected. Where one side of an inner court is located on the lot line and the build-

ing does not exceed fifty feet in height, the least width of the court shall be not less than eight feet, and the area of the court shall be not less than one hundred and twenty-eight square feet. For every ten feet or fraction thereof of increase in the height of the building above fifty feet the minimum width of such inner courts shall be increased by one foot, and the area thereof shall never be less than twice the square of such minimum width. Where an inner court is not located on the lot line, but is enclosed on all four sides, and the building does not exceed fifty feet in height, the least width of said court shall be not less than sixteen feet and the area not less than two hundred and fifty-six square feet. For every ten feet, or fraction thereof, of increase in the height of said building above fifty feet, the minimum width of such inner courts shall be increased by two feet, and the area of the court shall never be less than the square of such minimum dimension.

Vent Courts.

Vent courts.

SECTION 60. Inner courts used solely for the lighting and ventilation of water-closets, bath rooms, public halls, or stair halls, or for interior fire-escapes, may be constructed in any tenement house, and shall be not less than fifteen square feet in area, nor less than three feet in the least horizontal dimension for buildings fifty feet or less in height. For every increase of ten feet or fraction thereof in the height of such buildings the least dimension shall be increased by one foot, and the area by not less than eight square feet.

Intakes.

Intakes.

SECTION 61. Every inner court in a tenement house hereafter erected shall be provided with one or more horizontal intakes at the bottom. Such intakes, in vent courts, shall be not less than four square feet in area, so arranged as to be easily cleaned; in other inner courts they shall be not less than three feet wide and seven feet high, and there shall be at least two open grille doors, containing not less than fifteen square feet of unobstructed openings, one at the inner court and the other at the street or yard as the case may be.

Nothing contained in the foregoing sections concerning outer and inner courts shall be construed as prohibiting windows in walls that cut off the angles of such courts, provided that the running length of the walls containing such windows does not exceed six feet.

Buildings on the Same Lot with Tenement Houses.

SECTION 62. No tenement house shall hereafter be so enlarged or its lot so diminished, and no building of any kind shall be hereafter so placed upon the same lot with a tenement house, as to decrease the minimum depth of yards or the minimum size of courts or yards prescribed in this act for tenement houses hereafter erected.

Tenement houses not to be so enlarged as to decrease the minimum depth of yards, etc.

Rooms, Lighting and Ventilation of.

SECTION 63. In every tenement house hereafter erected there shall be in each room, except water-closet compartments and bath rooms, windows of a total area of at least one eighth of the floor area of the room, opening directly on a street or public alley or open passageway not less than fifteen feet wide or upon a yard or court of the dimensions hereinbefore specified, or upon a railroad right of way, cemetery or public park; and such windows shall be located so as properly to light all parts of the room. The top of at least one window shall be not less than eight feet above the floor, and the upper half of it shall be made so as to open the full width.

Lighting and ventilation of rooms.

Every alcove in every tenement house hereafter erected shall be provided with an opening into a room, such opening to be equal in area to eighty per cent of that side of the alcove in which the opening is located; and the alcove shall have at least one window of not less than fifteen square feet of glazed surface opening as provided in this section.

Rooms, Size of.

SECTION 64. In every tenement house hereafter erected all rooms, except water-closet compartments and bath rooms, shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area and

Size of rooms.

provided with a chimney flue and thimble, except where said room is furnished with heat from a central heating apparatus, and every other room shall contain at least ninety square feet of floor area. Each room shall be in every part not less than eight and one half feet high from the finished floor to the finished ceiling; provided that only one half of an attic room need be eight and one half feet high.

No portion of a room in any such tenement house shall be partitioned off so as to form a room not conforming to the provisions of sections sixty-three and sixty-four, or so as to form an alcove not conforming to sections sixty-three and seventy.

Public Halls.

Public halls.

SECTION 65. Except as otherwise provided in section sixty-six, in every tenement house hereafter erected, every public hall shall have at least one window opening directly upon a street, a public alley or open passageway not less than ten feet in width, a railroad right of way, a cemetery or a public park, or upon a yard or court or a vent court as provided in section sixty. Either such window shall be at the end of said hall, with the plane of the window substantially at right angles to the axis of the hall, or there shall be at least one window opening as above prescribed in every twenty feet in length or fraction thereof of the hall; but this provision for one window in every twenty feet of hall-way shall not apply to that part of the entrance hall between the entrance and the first flight of stairs, provided that the entrance door contains not less than five square feet of glazed surface. At least one of the windows provided to light each public hall shall be at least two feet six inches wide and five feet high, measured between the stop beads.

Any part of a hall which is shut off from any other part of said hall by a door or doors shall be deemed a separate hall within the meaning of this section.

Windows for Stair Halls, Size of.

Size of
windows for
stair halls.

Proviso.

SECTION 66. In every tenement house hereafter erected the aggregate area of windows to light or ventilate stair halls on each floor shall be at least fifteen square feet: *provided, however,* that when there shall be, within the space

enclosed by the stairway and its landings, from the second story upward, an open area for light and ventilation whose least horizontal dimension shall be equal to the width of the stairs, but in no case less than three feet, then the windows required in sections sixty-five and sixty-six may be omitted.

There shall be in the roof, directly over each stair well, in all tenement houses hereafter erected, without windows as above provided, a ventilating skylight provided with ridge ventilators, having a minimum opening of forty square inches, or else such skylight shall be provided with fixed or movable louvres. The glazed roof of the skylight shall not be less than twenty square feet in area.

Ventilating
skylight.

Privacy.

SECTION 67. In every apartment of four or more rooms in a tenement house hereafter erected, at least one water-closet compartment shall be accessible without passing through any bedroom.

Privacy.

Basements in Tenement Houses hereafter erected.

SECTION 68. In tenement houses hereafter erected no room in the basement shall be occupied for living purposes, unless all of the following conditions are complied with: —

Conditions
under which
a basement
in tenement
houses may be
occupied for
living
purposes.

(1.) Such room shall be at least eight and one half feet high in every part from the floor to the ceiling.

(2.) There shall be appurtenant to such room the use of a separate water-closet, constructed and arranged as required by section sixty-nine.

(3.) Such room shall have a window or windows opening upon the street, an alley or open passageway not less than fifteen feet in width, a railroad right of way, cemetery or public park or upon a yard or court. The total area of windows in such room shall be at least one eighth of the floor area of the room, and one half of the sash shall be made to open full width, and the top of each window shall be within six inches of the ceiling.

(4.) The floor of such room shall be damp-proof and waterproof, and all walls surrounding such room shall be damp-proof.

Water-closets in Tenement Houses hereafter erected.

Water-closets
in tenement
houses here-
after erected.

SECTION 69. In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment of four or more rooms. Where apartments consist of less than four rooms there shall be at least one water-closet for every three rooms, and on the same floor with said rooms. Every such water-closet shall be placed in a compartment completely separated from every other water-closet, and such compartment shall be not less than two feet and four inches wide, and shall be enclosed with plastered partitions, or some equally substantial material, which shall extend to the ceiling. Such compartment shall have a window, opening directly, or through a straight horizontal shaft of the same dimensions as the window and not more than four feet long, upon a street, a railroad right of way, cemetery or public park or a yard or alley or open passageway not less than four feet wide, or upon a vent court or upon a covered passageway not more than twenty feet long and at least twenty feet wide, and twenty feet high. Every such window shall be at least one foot by three feet between stop beads; and the whole window shall be made so as to open readily. When, however, such water-closet compartment is located on the top floor and is lighted and ventilated by a skylight over it, no window shall be necessary, provided that the roof of such skylight contains at least three square feet of glazed surface and is arranged so as to open readily. Nothing in this section in regard to the separation of water-closet compartments from each other shall apply to a general toilet room containing several water-closets, hereafter placed in a tenement house, provided that such water-closets are supplemental to the water-closet accommodations required by law for the use of the tenants of the said house. Nothing in this section in regard to the ventilation of water-closet compartments shall apply to a water-closet hereafter placed in an existing tenement house, to replace a defective fixture in the same position and location. No water-closet shall be maintained in the cellar of any tenement house without a permit in writing from the board of health; and said board shall have power to make rules and regulations governing the maintenance of such closets. Every water-closet compartment in any

tenement house shall be provided with proper means for lighting the same at night. If fixtures for gas or electricity are not provided in such compartment, then the door of such compartment shall be provided with translucent glass panels, or with a translucent glass transom, not less in area than four square feet. The floor of every such water-closet compartment shall be made waterproof with asphalt, tile, stone or some other waterproof material; and such waterproofing shall extend at least six inches above the floor on all sides of the compartment except at the door opening, so that the floor can be washed or flushed without leaking. No drip trays shall be permitted. No water-closet fixtures shall be inclosed with any woodwork.

Lighting and Ventilation of Existing Tenement Houses.

SECTION 70. Excepting water-closet compartments and bath rooms, wherever a room in any tenement house has a window or windows of less than nine square feet of glazed surface opening on a street, a railroad right of way, cemetery, public park, alley or open passageway not less than ten feet in width, such window or windows shall be enlarged and provided with the above mentioned glazed surface, and wherever such room does not open as above provided, or opens upon an alley or open passageway less than ten feet in width or upon a shaft or upon a court less than six feet in its least dimension, then such room shall be provided with a sash window communicating with another room in the same apartment, having windows of at least the superficial area prescribed for the windows of rooms in tenement houses hereafter erected and opening on a street, a railroad right of way, cemetery, public park or alley or open passageway at least ten feet in width, or on a court or courts at least equivalent to the courts required in sections fifty-eight and fifty-nine; and such new sash window shall contain not less than fifteen square feet of glazed surface and shall be made so as to open readily. One wall of every alcove in an existing tenement house shall be provided with an opening equal in area to eighty per cent of the wall. No tenement house shall be so altered as to reduce the provisions for the light and ventilation of any room or alcove or public hall or stair hall below the requirements of this act.

Lighting and ventilation of existing tenement houses.

Skylights.

Skylights in
existing tene-
ment houses.

SECTION 71. In every existing tenement house there shall be in the roof, directly over each stair well, a ventilating skylight, provided with ridge ventilators and also with fixed or movable louvres or movable sashes. But this section shall not apply to any tenement house now having windows as provided in section sixty-five or a bulkhead in the roof over the main stairs, which bulkhead is provided with windows made so as to open readily, and with not less than twelve square feet of glass in the top of the bulkhead. All skylights hereafter placed in any tenement house shall conform to the provisions of section sixty-six. All the existing dome lights or other obstruction to skylight ventilation shall be removed.

Where the public hall in an existing tenement house is not provided with windows opening as provided in section sixty-five, and where there is not a stair well as provided in section sixty-six, all doors leading from such public hall into apartments shall be provided with translucent glass panels of an area of not less than four square feet for each door; or such public hall may be lighted by a window or windows at the end thereof with the plane of the window at right angles to the axis of the hall, said window opening upon the street, a railroad right of way, cemetery, public park, or an alley or open passageway at least ten feet in width, or upon a yard or court of the dimensions hereinbefore provided.

Water-closets in Existing Tenement Houses.

Water-closets
in existing
tenement
houses.

SECTION 72. In existing tenement houses the wood-work enclosing the space underneath the seat of all water-closets used in common by two or more families shall be removed and such space shall be left open. The floor or other surface beneath and around such closet shall be maintained in good order and repair, and the floors made waterproof to the satisfaction of the board of health.

Every such water-closet shall be located in a compartment completely separated from every other water-closet, and such compartment shall be ventilated to the satisfaction of the board of health. There shall be provided at least one water-closet for every three families or for every nine rooms in every existing tenement house.

Water Supply.

SECTION 73. In every tenement house hereafter erected there shall be in each apartment a proper sink with running water.

Water supply in tenement houses.

Every existing tenement house shall have water furnished in sufficient quantity at one or more places on each floor occupied by or suitable to be occupied by one or more families. The owner shall provide proper and suitable tanks, pumps or other appliances to receive and to distribute a sufficient supply of water at each floor in the said house at all times of the year, during all hours of the day and night.

The woodwork enclosing sinks located in the public halls or stairs shall be removed, and the space underneath the sinks shall be left open. The floors and wall surfaces beneath and around the sink shall be maintained in good order and repair.

Drainage of Courts and Yards.

SECTION 74. In every tenement house all courts, areas, intakes and yards shall be properly graded, drained and paved or otherwise surfaced to the satisfaction of the board of health.

Drainage of courts and yards.

Receptacles for Garbage and Ashes.

SECTION 75. The owner of every tenement house shall provide therefor suitable, covered, water-tight receptacles satisfactory to the board of health, for ashes, rubbish, garbage, refuse and other matter. No person shall place ashes, rubbish, garbage, refuse or other matter in the yards, open areas or alleys connected with, or appurtenant to, any tenement house except in suitable receptacles provided for the same.

Receptacles for garbage and ashes.

Powers of the Building Commissioner.

SECTION 76. The commissioner shall not dispense with any of the requirements of sections forty-two to seventy-five, inclusive.

Powers of the building commissioner.

THEATRES.

Definition.

Theatres,
term defined.

SECTION 77. Every building hereafter erected so as to contain an audience hall and a stage, with curtain, movable or shifting scenery, and machinery, adapted for the giving of plays, operas, spectacles or similar forms of entertainment, and of a size to provide seats for more than five hundred spectators shall be a theatre within the meaning of this act. No existing building not now used as a theatre shall be altered and used as a theatre, unless it conforms to the provisions of this act for a new theatre.

Construction.

Construction
of theatres.

SECTION 78. Every theatre hereafter built shall be of fireproof construction throughout, except that the floor boards may be of wood, and the steel work of the stage, of the fly galleries, and of the rigging loft need not be fireproofed.

Open Courts.

If built in a
block to have
an open court
on both sides,
etc.

SECTION 79. Every theatre built in a block not on a corner shall have an open court or passageway on both sides extending from the proscenium line to the line of the street on the front, or, in case the building abuts on a street both in front and rear, these passages may extend from the line of the front of the auditorium to the line of the rear street. These passages shall be at least six feet wide throughout their length, and shall not be closed by any locked gate or doorway. They shall immediately adjoin the auditorium, or a side passage or lobby directly connected therewith. These passages shall be open to the sky opposite the whole depth of the auditorium, but may be carried out to the street front or rear through passages enclosed by brick walls or other fireproof material equally efficient, and covered by a solid brick vault at least eight inches thick, each passage to be not less than eight feet wide and ten feet high throughout.

If built on a
corner to have
one open
court.

SECTION 80. Every theatre built upon the corner of two streets shall have one inner court on the side of the building away from the side street, such court to be of the same description as the courts provided for in the preceding paragraph.

Stores, etc.

SECTION 81. Nothing in this act shall be construed to prohibit the use of any part of a theatre building for stores, offices, or for habitation, provided that the parts so used shall be built with exits to the street entirely distinct from the rest of the building and shall be separated from the rest of the building by solid partitions or walls, without any openings in the same.

Stores, etc., in
theatre
buildings.

Floor Levels.

SECTION 82. In all theatres, the entrances shall be not more than one step above the level of the sidewalk of the main street, and the stage shall be not more than five feet above the said level.

Floor levels.

Proscenium Wall.

SECTION 83. The stage of every theatre shall be separated from the auditorium by a wall of fireproof construction, which wall shall extend the whole width of the auditorium and the whole height to the roof of the portion occupied by the stage. There shall be no openings through this wall except the curtain opening, one doorway each side behind the boxes, and one doorway which shall be located at or below the level of the stage. The doorways shall not exceed twenty-one superficial feet each, and shall have standard fire-doors hung in a manner satisfactory to the commissioner. The finish or decorative features around the curtain opening of every theatre shall be of fireproof material.

Proscenium
wall, etc.

Curtain.

SECTION 84. The proscenium or curtain opening of every theatre shall have a fire-resisting curtain reinforced by wire netting or otherwise strengthened. If of iron, or similar heavy material, and made to lower from the top, it shall be so arranged as to be stopped securely at a height of seven feet above the stage floor, the remaining opening being closed by a curtain or valance of fire-resisting fabric.

Curtain
opening, etc.

Stage Floor.

Stage floor.

SECTION 85. The part of the stage floor, usually equal to the width of the proscenium opening, used in working scenery, traps or other mechanical apparatus, may be of wood, and no flooring used thereon shall be less than one and one eighth inches in thickness.

Ventilators.

Ventilators.

SECTION 86. There shall be one or more ventilators near the centre, and above the highest part of the stage of every theatre, of a combined area of opening satisfactory to the commissioner, and not less than one tenth of the area of the undivided floor space behind the curtain at the stage floor level. The openings in every such ventilator shall be closed by valves or louvres so counterbalanced as to open automatically, which shall be kept closed, when not in use, by a fusible link and cord reaching to the prompter's desk, and readily operated therefrom. Such cord shall be of combustible material, and so arranged that if it is severed the ventilator will open automatically.

Skylight coverings for ventilators shall have sheet metal frames set with double-thick glass, each pane thereof measuring not less than three hundred square inches, or shall be protected with wire glass. If wire glass is not used, a suitable wire netting shall be placed immediately beneath the glass, but above the ventilator opening. Illuminating fixtures over the auditorium shall be suspended and secured in a manner approved by the commissioner.

Glass on illuminating fixtures over the auditorium shall be secured from danger of falling as the commissioner shall require, but in no case shall any glass more than six inches in diameter or length be hung over the auditorium unless protected from falling by a wire netting or similar device satisfactory to the commissioner.

*Seats in Auditorium.*Seats in
auditorium.

SECTION 87. All seats in the auditorium excepting those contained in boxes shall be spaced not less than thirty inches from back to back, measured in a horizontal direction, and shall be firmly secured to the floor. No

seat in the auditorium shall have more than six seats intervening between it and an aisle, on either side.

The platforms for seats in balconies and galleries shall Platforms.
nowhere have a greater rise than twenty-one inches, nor be less than thirty inches from back to back.

Aisles.

SECTION 88. All aisles on the respective floors in the auditorium, having seats on both sides of the same, shall be not less than thirty inches wide where they begin, and shall be increased in width toward the exits in the ratio of one inch to five running feet. Aisles having seats on one side only shall be not less than two feet wide at their beginning and shall increase in width, the same as aisles having seats on both sides. Width of
aisles.

Changes in Level.

SECTION 89. All changes in the levels of the floors of such buildings, except under stairways, from story to story, and except the necessary steps in galleries and balconies rising toward the exits, shall be made by inclines of no steeper gradient than two in ten within the auditorium, and rising toward the exits, and one in ten for all others. Changes in
floor levels.

Lobbies.

SECTION 90. Preceding each division of the theatre there shall be foyers, lobbies, corridors, or passages, the aggregate capacity of which on each floor or gallery shall be sufficient to contain the whole number to be accommodated on such floor or gallery in the ratio of one square foot of floor room for each person. Lobbies, etc.

Stage Doors.

SECTION 91. There shall be not less than two exit doors, each not less than three feet in width, located on opposite sides of the stage, and opening directly upon a street, alley, court, or courtway leading to a public thoroughfare. Stage doors.

Room Exits.

Room exits.

SECTION 92. All rooms in theatres for the use of persons employed therein shall have passages to at least two independent means of exit.

Doors to Open Outward.

Doors to open outward.

SECTION 93. All doors of exit or entrance shall open outward, and shall be hung so as to swing in such a manner as not to become an obstruction in a passage or corridor, and no such doors shall be fastened so as to be inoperative when the building is occupied by an audience.

False Doors.

False doors or windows prohibited.

SECTION 94. No mirrors shall be so placed as to give the appearance of a doorway or exit, hallway, or corridor, nor shall there be any false doors or windows.

Main Floor and First Gallery Exits.

Main floor and first gallery exits.

SECTION 95. A common exit may serve for the main floor of the auditorium and the first gallery, provided that its capacity be equal to the aggregate capacity of the outlets from the main floor and the said gallery; and provided that the lowermost run of any exit leading from a gallery shall not open directly at right angles with the central axis of a common exit unless there is a clear space or landing of at least one and one quarter times the width of the exit between the foot of such exit and such centre line or nearest exit doorway.

Exits.

Gallery and balcony exits.

SECTION 96. Two distinct and separate exits shall be provided for each gallery and balcony above the main floor; and the same shall be located on opposite sides of the galleries.

All gallery or balcony exits shall start with a width of not less than four feet at the uppermost gallery.

Exits from balconies and galleries shall not communicate with the basement or cellar.

Aggregate Width of Exits.

SECTION 97. The aggregate width of all the exits previously described shall be estimated on a basis of not less than twenty inches for every one hundred persons for whom seats are provided in the sections of the auditorium served by the respective exits.

Width of exits.

Emergency Exits.

SECTION 98. In addition to the exits previously described there shall be one exit from each side of each gallery, balcony, and main floor of auditorium, at least five feet wide, leading to exterior balconies not less than four feet wide and twenty feet long on each side of the auditorium. From such balconies there shall be staircases extending to the ground level, which may be counterweighted, with risers of not over eight and one half inches and treads of not less than nine and one half inches, exclusive of nosing. The aggregate width of these emergency stairs shall be not less than ten inches for every one hundred people served thereby, no single stairs being less than thirty inches wide. If counterweighted, these stairs shall be lowered during all performances.

Emergency exits.

Where all such stairs are in an interior court, each run shall be covered by a light awning of iron.

Nothing herein shall prohibit the building of emergency stairs and exits inside the walls of the building, provided that they are surrounded by a fireproof partition not less than four inches thick separating the exits and stairways from the audience room or auditorium.

Additional Requirements.

SECTION 99. The commissioner shall have power to require a greater number or capacity of exits than is herein prescribed.

In every theatre there shall be over every exit, on the inside, and over every opening to a fire-escape, on the inside, an illuminated sign, bearing the word "exit" or "fire-escape", respectively, in letters not less than four inches high. The lights for the exit signs, passages, stairs, lobbies, auditoriums, rear of auditoriums, balconies, gal-

The commissioner may require a greater number of exits, etc. Exits and fire-escapes to be plainly marked.

leries, and for the balconies and stairs outside the building, shall be so arranged that they can be turned on or off independently of the means provided on the stage or in any part of the building in the rear of the proscenium wall. Every exit sign shall be kept illuminated, and every outside balcony and fire-escape shall be kept well lighted during the performance, except outside exits during a performance before sunset.

Plan of exits
to be printed
on pro-
grammes, etc.

Plans showing the exits and stairways shall be legibly printed so as to occupy a full page of every programme or play-bill.

Gas pipe
outlets.

In said buildings there shall be such number of gas pipe outlets as the commissioner may require, fitted with no less than two gas burners. Such burners shall be inspected and tried at least once in every three months by inspectors of the department, to ascertain if they are in proper working order. The inspector shall make a report of each visit, stating the condition of the burners and the action of the inspector in regard to them.

Defects in gas
burners.

The commissioner shall have authority to order any defect in the working of such burners as are necessary for public safety to be remedied.

So much of this section as applies to the inspection of gas burners shall apply to buildings now used as theatres.

Stairs.

Stairs.

SECTION 100. The cut of the stair stringers shall not exceed seven and one half inches rise, nor be less than ten and one half inches tread. There shall be no flights of stairs of more than fifteen or less than three steps between landings.

Landings of Stairs.

Landings of
stairs.

SECTION 101. Every landing shall be at least four feet wide. When straight stairs return directly on themselves, a landing of the full width of both flights, without any steps, shall be provided. The outer line of landings shall be curved to a radius of not less than two feet to avoid square angles. Stairs turning at an angle shall have a proper landing without winders introduced at the turn. No door shall open immediately upon a flight of stairs, but a landing at least two feet wider than the width of the door opening shall be provided between such stairs and

such door. When two side flights connect with one main flight, no winders shall be introduced, and the width of the main flight shall be at least equal to the aggregate width of the side flights.

Hand-rails.

SECTION 102. All enclosed stairways shall have, on both sides, strong hand-rails, firmly secured to the wall, about three inches distant therefrom and about three feet high above the stairs. Hand-rails.

All stairways eight feet and over in width shall be provided with a central rail of metal or hard wood, not less than two inches in diameter, placed at a height of about three feet above the centre of the treads, supported on wrought metal or brass standards of sufficient strength, securely bolted to the treads or risers of the stairs; and at the head of each flight of stairs, and on each side of the landing, the post or standard shall be at least six feet in height, and the rail shall be secured to the post. Stairways eight feet or over in width to be provided with a central rail.

Measurements for Width of Stairs.

SECTION 103. The width of all stairs shall be measured in the clear between the hand-rails. Width of stairs, etc.

No winding or circular stairs shall be permitted.

Radiators Forbidden in Passageways.

SECTION 104. No coil or radiator or floor register shall be placed in any aisle or passageway used as an exit; but all such coils and radiators may be placed in recesses formed in the wall or partition to receive the same. Radiators not to be placed in passageways, etc.

No boiler, furnace, engine or heating apparatus, except steam, hot water or hot-air pipes or radiators, shall be located under the auditorium or under any passage or stairway or exit of any theatre.

Sprinklers and Standpipes.

There shall be at least two two-inch high-service standpipes on the stage of every theatre, with ample provision of hose nozzles at each level of the stage on each side, and the water shall be kept turned on during the occupation of the building by an audience. The said pipes shall in Sprinklers and standpipes.

no case be sealed, and shall have two gates, one above the other, with a proper test or waste valve; the lower gate to be kept open at all times. The proscenium opening of every theatre shall be provided with a two and one half inch perforated iron pipe, or equivalent equipment of automatic or open sprinklers, so constructed as to form, when in operation, a complete water curtain for the whole proscenium opening, and there shall be for the rest of the stage a complete system of fire apparatus and perforated iron pipes, automatic or open sprinklers. Such pipes or sprinklers shall be supplied with water by high pressure service, and shall be at all times ready for use.

PLACES OF PUBLIC ASSEMBLY.

Places of public assembly to be of fireproof construction, except, etc.

SECTION 105. Every building hereafter erected with a hall or assembly-room to contain a public audience of more than eight hundred persons, or with more than one superimposed gallery or balcony, shall be of fireproof construction throughout; except that halls or assembly-rooms, the mean level of the main floor of which is not more than five feet above the grade of the adjacent street, may have roofs of second class construction.

Every building hereafter erected with a hall or assembly-room to contain an audience of more than six hundred persons, the main floor of which is raised more than fifteen feet above the level of the principal street upon which it faces, shall be of fireproof construction throughout.

Capacity of assembly rooms.

The capacity of a hall or assembly-room shall be estimated on the basis of six square feet for each person.

If several halls or assembly-rooms are provided in one building, their aggregate capacity shall be considered as determining whether or not the building shall be of fireproof construction, unless the several halls are enclosed by or separated from each other by fireproof walls, with fireproof doors in the same, in which case the building may be of second class construction.

No existing building shall be altered to contain a hall or assembly-room exceeding the foregoing dimensions, unless the whole building as altered shall conform to the provisions of this act.

Moving Picture Shows.

SECTION 106. All moving picture shows shall be subject to the provisions of chapter one hundred and seventy-six and of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and five, and of any amendments thereof or additions thereto now or hereafter made.

Moving picture shows.

Exits, Etc.

SECTION 107. Every building hereafter erected containing a hall or assembly-room shall conform to all the aforesaid requirements as to exits, stairways, exit lights, aisles, and seats which apply to theatres, subject to such exceptions as the board of appeal shall approve.

Public buildings hereafter erected to conform to all requirements regarding exits.

Roof Gardens.

SECTION 108. Nothing herein contained shall prevent the placing of a roof garden, art gallery, or rooms for similar purposes above a theatre, provided the floor of the same forming the roof over such theatre shall be constructed of fireproof materials, and shall have no covering boards or sleepers of wood. Every roof over such garden or other rooms shall have all supports and rafters of steel, and, if covered, shall be covered with glass or fireproof material, or both.

Roof gardens.

Exits from Roof Gardens.

SECTION 109. Exits from roof gardens may communicate with stairs leading from the auditorium of the theatre, but they shall be at least four in number, not less than four feet six inches wide, and distinct and separate from each other from roof to street.

Exits from roof gardens.

Summer Theatres.

SECTION 110. Summer theatres, if built without the building limits, and located thirty feet distant from any other building or structure or adjoining lot lines, and of no greater seating capacity than seven hundred and fifty persons, and not more than one story high, without balconies, or galleries, may be constructed as follows:—

Summer theatres.

The auditorium, without a cellar or basement, with open

sides of double the number of exits as hereinbefore provided, opening directly into the surrounding courts or gardens at the grade level, and the adjoining dressing rooms, may be of wooden construction, but the stage shall be enclosed in brick walls not less than twelve inches thick, or shall be plastered on metal lathing throughout: *provided*, that the openings leading to the dressing rooms shall be provided with fire-doors.

Otherwise, all protective features and arrangements shall comply with all previous sections of this title.

Existing Theatres.

Existing theatres.

Stairways.

Location of heating apparatus regulated.

Exits and fire-escapes to be plainly marked.

Exits, etc., to fire-escapes to open outward, etc.

SECTION 111. All stairs and landings of theatres shall have throughout proper hand-rails on both sides firmly secured to walls or to strong posts and balusters. Stairways twelve feet or more wide shall have one or more intermediate rails not more than eight feet apart and properly supported.

No boiler, furnace, engine or heating apparatus, except steam, hot water or hot air pipes or radiators, shall be located under the auditorium nor under any passage or stairway or exit of any theatre.

In every theatre there shall be over every exit, on the inside, and over every opening to a fire-escape, on the inside, an illuminated sign, bearing the word "exit" or "fire-escape", respectively, in letters not less than four inches high. The lights for the exit signs, passages, stairs, lobbies, auditoriums, rear of auditoriums, balconies, galleries, and for the balconies and stairs outside the building, shall be so arranged that they can be turned on or off independently of the means provided on the stage or from any part of the building in the rear of the proscenium wall. Every exit sign shall be kept illuminated and every outside balcony and fire-escape shall be kept well lighted during the performance, except outside exits during a performance in the daytime and before sunset.

The exits and openings to fire-escapes of all theatres shall open outward and have fastenings on the inside only. They shall be unfastened during every performance and shall be so arranged that they can easily be opened from within. Plans showing the exits and stairways shall be legibly printed so as to occupy a full page of every programme or playbill.

No temporary seats or other obstructions shall be allowed in any aisle, or stairway of a theatre, and no person shall remain in any aisle, passageway or stairway of any such building during any performance.

Temporary seats, etc., not to be placed in a passageway.

The proscenium or curtain opening of every theatre shall have a fire-resisting curtain of incombustible material, reinforced by wire netting, or otherwise strengthened. If of iron, or similar heavy material, and made to lower from the top, it shall be so arranged as to be stopped securely at a height of seven feet above the stage floor, the remaining opening being closed by a curtain or valance of fire-resisting fabric. The curtain shall be raised at the beginning and lowered at the end of every performance, and shall be of proper material, construction and mechanism.

Curtain opening, etc.

There shall be one or more ventilators near the centre, and above the highest part of the stage of every theatre, of a combined area of opening satisfactory to the building commissioner, and not less than one tenth of the area of the proscenium opening. Every such ventilator shall have a valve or louvre so counterbalanced as to open automatically, and shall be kept closed, when not in use, by a fusible link and cord reaching to the prompter's desk, and readily operated therefrom. Such cord shall be of combustible material, and so arranged that if it is severed the ventilator will open automatically.

Ventilators, etc.

There shall be at least two two-inch high-service stand-pipes on the stage of every theatre, with ample provision of hose nozzles at each level of the stage on each side, and the water shall be kept turned on during the occupation of the building by an audience. The said pipes shall have two gates, one above the other, with a proper test or waste valve; the lower gate to be kept open at all times. The proscenium opening of every theatre shall be provided with a two and one half inch perforated iron pipe or equivalent equipment of automatic or open sprinklers, as the commissioner may direct, so constructed as to form when in operation a complete water curtain for the whole proscenium opening, and there shall be for the rest of the stage a complete system of fire apparatus and perforated iron pipes, automatic or open sprinklers. Such pipes or sprinklers shall be supplied with water by high pressure service, and shall be ready for use at all times.

Fire protection, etc.

PLUMBING.

Definition of Terms.

Definitions.

SECTION 112. The following terms shall have the meanings respectively assigned to them:—

Repair of leaks.

“Repair of leaks” shall mean such repairs as are necessary to protect property but do not involve any extensive change in construction.

Y-branches.

“Y-branches” shall mean a branch at sufficient angle to direct the flow and prevent backing up.

Air pipes, etc.

“Air pipes” or “back air pipes” shall mean air pipes from traps that extend toward the main soil pipe or the outer air and connect with not more than three traps.

Vent pipes.

“Vent pipes” shall mean general lines of back air pipes connecting with more than three fixtures.

Drain.

“Drain” shall mean that part of the drainage system of a building extending through basement or cellar to sewer.

Soil pipe.

“Soil pipe” shall mean that part of the drainage system of a building, of four inches or more internal diameter, between basement or cellar and the highest fixture in the building.

Ventilation pipe.

“Ventilation pipe” shall mean the extension of the soil pipe from the highest fixture to and through the roof.

Surface drain.

“Surface drain” shall mean a connection with drain in the basement to allow egress of surface water or overflow.

Fixture.

“Fixture” shall mean any receptacle or outlet placed for the purpose of disposing of waste water or other matter, and connecting with the waste, soil or drain pipe of a building.

Registration.

Plumbers to be registered, etc.

SECTION 113. No plumber shall engage in or work at the business of plumbing unless he shall first have registered his name and place of business in the office of the commissioner, and no person shall by display of sign or plumbing material, or otherwise, advertise as a plumber unless he shall have been registered or licensed as such. Every master plumber shall conspicuously display his certificate or license within his place of business. Notice of any change in the place of business of a registered or licensed master plumber shall immediately be given by him to the commissioner.

Notices.

SECTION 114. Every plumber, before doing any work in a building, shall, except in the case of repair of leaks, file in the office of the commissioner, upon blanks for that purpose, an application for a permit, and if required by the commissioner a plan or sketch of the work to be performed; and no such work shall be done in any building without a written permit from the commissioner.

No plumbing to be done without a permit from the commissioner.

Connection with Sewer or Drain.

SECTION 115. The plumbing of every building shall be separately and independently connected outside the building with the public sewer, if such sewer is provided, or with a proper and sufficient private drain or sewer laid outside of the building, and if a sewer is not accessible, with a proper cesspool. Several buildings may have a common sewer connection if such connection is approved by the commissioner and the superintendent of sewers.

Plumbing in every building to be separately connected with a public sewer, etc.

Inspection and Tests.

SECTION 116. Pipes or other fixtures shall not be covered or concealed from view until approved by the commissioner, who shall examine or test the same within two working days after notice that they are ready for inspection. Plumbing shall not be used unless, when roughed in, the wastes, vents and back air pipes and traps are first tested by water or sufficient air pressure in the presence of an inspector, when such testing is practicable.

Pipes, etc., not to be covered until approved.

Soil and Waste Pipes and Traps.

SECTION 117. The waste pipe of every independent sink, basin, bath-tub, water-closet, slop-hopper, urinal or other fixture shall be furnished with a separate trap, which shall be placed as near as practicable to the fixture which it serves. A sink and set of three wash-trays may be connected to the house drain through one five inch round trap, when the outlet of the sink is not over three feet six inches from the nearest outlet from the wash-trays; and in such case the trap shall be above the floor. The outlet from each fixture shall enter the trap separately. Not

Soil and waste pipe and traps.

more than four wash-bowls or sinks in a continuous line may be connected to the house drain through one five inch round trap. Two or more fixtures on the same level with not more than two feet of waste pipe and connecting into the soil or waste pipe not more than eighteen inches below the top water line of the trap, shall not require other vent than the continuation of the soil or waste pipe full size for its whole length. Lateral branches of soil or waste pipe, if more than twenty feet in length, shall be extended through the roof undiminished in size. All connections on lead waste and back air pipes and of lead pipes to brass ferrules and soldering nipples shall be full size wiped soldered branch, round or flange joints. Soil and waste pipes shall have proper T-Y or Y branches for all fixture connections. No connection to lead bends for water-closets or slop sinks shall be permitted, except the required back air pipe where a continuous vent is not practicable.

Earthenware traps shall have heavy brass floor plates soldered to the lead bends and bolted to the trap flange, and the joint made gas tight with red or white lead. Rubber washers for floor connections shall not be used.

Back Air Pipes, Vents, Etc.

Back air
pipes, vents,
etc.

Traps shall be protected from siphonage or air pressure by special iron or brass air pipes of a size not less than the waste pipes they serve; back air pipes shall not be connected to the trap or branched into the waste pipe, except where a continuous vent is not practicable, but a suitable non-siphon trap may be used without a back air pipe upon the approval of the commissioner. Back air pipes shall enter the waste pipe within eighteen inches from the trap and shall be a continuation of the waste pipe. Lead air pipes may be used only for short connections where they are exposed to view. Air pipes for water-closet traps shall be connected to the highest point of bend or trap, and may be of two inch bore if for not more than three fixtures and less than thirty feet in length; if for more than three fixtures or more than thirty feet in length they shall be of three inch bore. Air pipes shall be run as direct as practicable, and if one and one half inches or less in diameter shall not exceed thirty feet in length. Two or more air pipes may be connected together or with a vent pipe; but in every such case the connection shall be

above the top of the fixture. The trap for the upper fixture on a line of soil or waste pipe, if within five feet of the stack in a horizontal line, shall not require a special air pipe, unless the outlet is branched into a stack more than eighteen inches below the top water line of the trap. Diameters of vent pipes shall be not less than two inches for main vents through less than seven stories; three inches for water-closets on more than three floors, and for other fixtures in more than seven stories. All vent pipes shall be increased one inch in diameter before passing through the roof. Vent lines shall be connected at the bottom with a soil or waste pipe or with the drain, in such a manner as to prevent accumulation of rust scale and properly to drip the water of condensation. Offsets shall be made at an angle of not less than forty-five degrees. Soil pipes or iron waste pipes, vents and back air pipes, shall be supported by clamps to the woodwork, iron drive hooks to brick walls, or bolted clamps to iron girders.

Back air
pipes, vents,
etc.,

All traps, except for water-closets, not provided with special air pipes shall be suitable non-siphon traps and shall have at least a four inch water seal. Round traps shall be not less than four inches in diameter and eight inches long, and made of eight-pound lead. All trap screws shall be water sealed.

Chemical Laboratories.

Fixtures and waste pipes in chemical laboratories shall be installed in accordance with plans approved by the commissioner.

Fixtures in
chemical
laboratories.

Stables.

The drainage of stable fixtures shall be constructed according to plans approved by the commissioner.

Drainage of
stables.

SECTION 118. In buildings where a series of bath rooms or kitchens are located directly over each other and have a common soil or waste pipe, the back air pipe required shall be a vent line connecting with each outlet branch close to the water-closet connection or outlet from the sink trap, each branch vent to connect to vent line above the top of the highest fixture on each floor, the vent line to connect to main vent line above the top of the highest fixture in the building.

Bath rooms,
etc.

In the case of batteries of water-closets or other fixtures the special air pipe from each trap may be omitted, pro-

Batteries of
water-closets.

vided that the soil or waste pipe, undiminished in size, is continued to a point above the roof or revented into the main soil pipe system above the top of the uppermost fixture.

The commissioner shall prepare explanatory sketches showing the method of construction described in this section.

Refrigerator Wastes and Drip Pipes.

Refrigerator
wastes and
drip pipes.

SECTION 119. All drip or overflow pipes shall be extended to some place in open sight, and in no case shall any such pipe be connected directly with the drain pipe. No waste pipe from a refrigerator or other receptacle in which provisions are stored shall be connected directly with a drain or other waste pipe. The waste pipes from all other fixtures shall be connected directly with a drain pipe. Refrigerator wastes connecting with two or more stories shall be supplied with a trap on the branch for each floor and extended through the roof.

Water-Closets, Etc.

Water-closets,
etc.

SECTION 120. Every water-closet or line of water-closets shall be supplied with water from a tank or cistern, and shall have a flushing pipe of not less than one and one quarter inches in diameter. Privy vaults shall be of brick and cement of a capacity of not less than fifty cubic feet, of easy access, convenient to open, and clean, and water tight. The inside shall be not less than two feet from the next lot and from any public or private way.

Diameters of
soil and
waste pipes.

SECTION 121. The diameters of soil and waste pipes shall be not less than those given in the following table: —

	Inches.
Soil pipes,	4
Main waste pipes,	2
Main waste pipes for kitchen sinks on five or more floors, .	3
Branch waste pipes for laundry tubs,	1½
Branch waste for kitchen sinks,	1½
Branch waste for urinals,	1½
No branch waste for other fixtures shall be less than, . .	1¼

Except that, with the approval of the commissioner, a three inch soil pipe may be used for one water-closet where it is not practicable to use a four inch pipe.

Ferrules, Clean-outs, Etc.

Brass ferrules shall be of the best quality, bell-shaped, extra heavy cast brass, not less than four inches long and two and one quarter inches, three and one half inches, and four and one half inches in diameter, and of not less than the following weights:—

Ferrules,
clean-outs,
etc.

Diameters.	Weights.
2½ inches,	1 pound 0 ounces.
3½ inches,	1 pound 12 ounces.
4½ inches,	2 pounds 8 ounces.

One and one half inch ferrules shall not be used.

Soldering nipples shall be of heavy cast brass or of brass pipe, iron pipe size. If cast, they shall be of not less than the following weights:—

1½ inches,	0 pounds 8 ounces.
2 inches,	0 pounds 14 ounces.
2½ inches,	1 pound 6 ounces.
3 inches,	2 pounds 0 ounces.
4 inches,	3 pounds 8 ounces.

Where clean-outs are used, the screw cap shall be of brass, extra heavy, and not less than one eighth of an inch thick. The engaging parts shall have not less than six threads of iron pipe size, and shall be tapered. Clean-outs shall be full size of trap up to four inches in diameter, and not less than four inches for larger traps.

The screw cap shall have a solid square or hexagonal nut, not less than one half inch high, with a least diameter of one and one half inches. The bodies of brass clean-out ferrules shall be at least equal in weight and thickness to the calking ferrule for the same size of pipe.

The use of lead pipes is restricted to short branches of the soil and waste pipes, bends and traps, and roof connections of inside leaders. "Short branches" of lead pipe shall mean not more than:—

- 5 feet of 1¼ inch pipe.
- 5 feet of 1½ inch pipe.
- 4 feet of 2 inch pipe.
- 2 feet of 3 inch pipe.
- 2 feet of 4 inch pipe.

Thickness and
weight of
lead pipe.

The pipe shall be not less than the following average thickness and weight per linear foot: —

Diameters.	Thicknesses.	Weights per Linear Foot.	Diameters.	Thicknesses.	Weights per Linear Foot.
1 $\frac{1}{4}$ inches,	- -	2.50 pounds.	5 inches,	.25 inches,	14.50 pounds.
1 $\frac{1}{2}$ " "	.14 inches,	2.68 "	6 " "	.28 " "	18.76 "
2 " "	.15 " "	3.61 "	7 " "	.30 " "	23.27 "
2 $\frac{1}{2}$ " "	.20 " "	5.74 "	8 " "	.32 " "	28.18 "
3 " "	.21 " "	7.54 "	9 " "	.34 " "	33.70 "
3 $\frac{1}{2}$ " "	.22 " "	9.00 "	10 " "	.36 " "	40.06 "
4 " "	.23 " "	10.66 "	11 " "	.37 " "	45.02 "
4 $\frac{1}{2}$ " "	.24 " "	12.34 "	12 " "	.37 " "	48.98 "

Brass pipe,
etc.

Brass pipe for soil, waste, vent and back air pipes shall be thoroughly annealed, seamless, drawn brass tubing, of not less than number thirteen Stubbs gauge.

Joints, etc.

No slip joints or unions shall be used on traps, waste, vents or back air pipes. Threaded connections on brass traps shall be of the same size as pipe threads for the same size of pipe, and shall be tapered. Connections between lead and iron shall be made by brass sleeves or screw nipples wiped to the lead and calked or screwed into the iron.

Thicknesses
and weight of
brass pipe.

The following average thicknesses and weights per linear foot shall be used: —

Diameters.	Thicknesses.	Weights per Linear Foot.	Diameters.	Thicknesses.	Weights per Linear Foot.
1 $\frac{1}{2}$ inches,	.14 inches,	2.84 pounds.	4 inches,	.23 inches,	11.29 pounds.
2 inches,	.15 inches,	3.82 pounds.	4 $\frac{1}{2}$ inches,	.24 inches,	13.08 pounds.
2 $\frac{1}{2}$ inches,	.20 inches,	6.08 pounds.	5 inches,	.25 inches,	15.37 pounds.
3 inches,	.21 inches,	7.92 pounds.	6 inches,	.28 inches,	19.88 pounds.
3 $\frac{1}{2}$ inches,	.22 inches,	9.54 pounds.			

Cast Iron Pipes, Etc.

Cast iron pipes shall be uncoated, sound, cylindrical and smooth, free from cracks and other defects, of uniform thickness and of the grade known to commerce as "extra heavy." If buried under ground they shall be coated with asphaltum or red lead. Cast iron pipe, etc.

Pipe, including the hub, shall weigh not less than the following average weights per linear foot:—

Diameters.	Weights per Linear Foot.	Diameters.	Weights per Linear Foot.
2 inches, . .	5½ pounds.	7 inches (not stock size),	27 pounds.
3 inches, . .	9½ pounds.	8 inches,	33½ pounds.
4 inches, . .	13 pounds.	10 inches,	45 pounds.
5 inches, . .	17 pounds.	12 inches,	54 pounds.
6 inches, . .	20 pounds.		

All joints shall be made with picked oakum and molten lead run full, and be made gas tight. No cement joints nor connections between iron and cement or tile pipe or brick drains shall be made within any building. Joints.

Wrought Iron Pipe.

Galvanized wrought iron pipe shall be of not less than the following thickness and weight per linear foot:— Wrought iron pipe.

Diameters.	Thicknesses.	Weights per Linear Foot.	Diameters.	Thicknesses.	Weights per Linear Foot.
1½ inches,	.14 inches,	2.68 pounds.	6 inches,	.28 inches,	18.76 pounds.
2 inches,	.15 inches,	3.61 pounds.	7 inches,	.30 inches,	23.27 pounds.
2½ inches,	.20 inches,	5.74 pounds.	8 inches,	.32 inches,	28.18 pounds.
3 inches,	.21 inches,	7.54 pounds.	9 inches,	.34 inches,	33.70 pounds.
3½ inches,	.22 inches,	9.00 pounds.	10 inches,	.36 inches,	40.06 pounds.
4 inches,	.23 inches,	10.66 pounds.	11 inches,	.37 inches,	45.02 pounds.
4½ inches,	.24 inches,	12.34 pounds.	12 inches,	.37 inches,	48.98 pounds.
5 inches,	.25 inches,	14.50 pounds.			

The threaded part of the pipe if less than one and one half inches long, shall be of the thickness and weight known as "extra heavy" or "extra strong."

Fittings on wrought iron vent or back air pipes shall be galvanized, recessed, cast iron threaded fittings. Fittings for "Plumber's tubing" shall be heavy weight, with sharp threads.

Fittings for waste or soil or refrigerator waste pipes of wrought iron or brass pipe shall be galvanized, cast iron, or brass, recessed and threaded drainage fittings, with smooth interior waterway and threads tapped, so as to give a uniform grade to branches of not less than one quarter of an inch per foot.

All joints on wrought iron or brass pipe shall be screwed joints made up with red lead, and any burr formed in cutting shall carefully be reamed out.

Drain Pipes, Etc.

Drain pipes,
etc.

SECTION 122. Drain and connecting ventilation pipes, vents and back air pipes shall be of sufficient size, and made of extra heavy cast iron pipe if under ground, and if above ground shall be made of extra heavy cast iron, galvanized wrought iron of standard weight, or of not less than number thirteen Stubbs gauge brass pipe within the building, except that lead pipes may be used for short connections exposed to view. Cast iron drains shall extend not less than ten feet from the inside face of the wall, beyond and away from the building.

Drain pipes above ground shall be secured by irons to walls, suspended from floor timbers by strong iron hangers, or supported on brick piers. Proper man-holes shall be supplied to reach clean-outs and traps. Every drain pipe shall have a fall of not less than one quarter inch per foot, and shall be extended from a point ten feet outside the inside face of the wall, unobstructed, to and through the roof, undiminished in size, and to a height not less than two feet above the roof, and not less than one foot above the top of any window within fifteen feet, and not less than eight feet above the roof if the roof is used for drying clothes or as a roof garden. The drain pipe shall be supplied with a Y branch fitted with a brass clean-out or with an iron stopper, if required, on the direct run, at or near the point where the drain leaves the build-

ing. Changes in direction shall be made with curved pipes, and all connections with horizontal or vertical pipes shall be made with Y branches. Saddle hubs shall not be used. All drain pipes shall be exposed to sight within the building, if such exposure is practicable, and shall not be exposed to pressure where they pass through the wall.

Steam Exhausts, Etc.

No steam, or vapor, or water of a temperature over one hundred and thirty degrees Fahrenheit shall be discharged from any premises into any sewer, drain or catch-basin, nor shall any matter or thing be discharged into any sewer which may tend to cause an obstruction of the public sewer or a nuisance or a deposit therein or any injury thereto.

Steam
exhausts, etc.

All high pressure steam boilers shall be connected with a blow-off tank of a capacity not less than thirty per cent of the largest boiler connected with such tank. The location of and the connections to said blow-off tank shall be subject to the approval of the superintendent of sewers.

No steam exhaust or steam drip, unless it be provided with a cooling tank of a capacity approved by the superintendent of sewers, or unless it be connected with the blow-off tank, shall connect with any drain leading to the sewer. Every blow-off tank shall be supplied with a vapor pipe not less than two inches in diameter, which shall be carried above the roof and above the highest windows of the building.

The superintendent of sewers may require such additional means for cooling the blow-off tanks by the injection of cold water or otherwise as may be necessary to reduce the temperature of the water passing from the blow-off tank so that it shall not exceed one hundred and thirty degrees Fahrenheit.

Special Traps, Etc.

SECTION 123. Every building from which, in the opinion of the superintendent of sewers, grease may be discharged in such quantity as to clog or injure the sewer, shall have a special grease trap satisfactory to the superintendent of sewers. Every building in which gasoline, naphtha or other inflammable compounds are used for business purposes shall be provided with a special trap, satis-

Special traps,
etc.

factory to the superintendent of sewers, so designed as to prevent the passage of such material into the sewer, and ventilated with a separate pipe rising to a point four feet above the roof. All non-siphon traps shall be of a type approved by the commissioner. The waste pipe of every wash stand for vehicles shall be provided with a sand box of sufficient capacity.

The waste pipe from the sink of every hotel, eating house, restaurant or other public cooking establishment, shall be connected to a grease trap of sufficient size, easily accessible to open and clean, placed as near as practicable to the fixture that it serves.

Roof Leaders and Surface Drains.

Roof leaders
and surface
drains.

SECTION 124. Rain water leaders when connected with house drains shall be suitably trapped and, within the proposed surface drainage area, shall not be connected at the top of the stack, nor extended down through the interior of the building, except by special permit from the commissioner. Wherever a surface drain is installed in a cellar or basement, it shall be provided with a deep seal trap and back water valve. Drain pipes from fixtures in cellars and basements liable to back flow from a sewer shall be supplied with back water valves.

HAZARDOUS BUILDINGS AND APPLIANCES FOR POWER AND HEAT.

Hazardous
buildings, etc.

SECTION 125. No building shall be used for a grain elevator, or for the storage or manufacture of high combustibles or explosives, or for chemical or rendering works, without a permit from the commissioner, and no engine, dynamo, boiler or furnace shall be placed in any building without a permit from the commissioner. Every application for such permit shall be in writing, shall be filed with the commissioner, and shall set forth the character of the building, the size, power and purposes of the apparatus, and such other information as the commissioner may require. The commissioner may, after an examination of the premises described in the application, and after hearing the applicant and any objectors, issue a permit for placing a boiler or furnace on such premises, upon such

conditions as he shall prescribe, or he may refuse such permit. If the application is for anything other than a boiler or furnace the applicant shall publish in at least two daily newspapers published in the city of Boston, and on at least three days in each, and, if so directed by the commissioner, shall also post conspicuously on the premises, a copy of the application, and shall deliver copies thereof to such persons as the commissioner may designate.

If no objection is filed with the commissioner before the expiration of ten days after the time of the first publication of notice, or within ten days of the delivery and first posting of the notice, if such delivery or posting is required, the commissioner shall, if the arrangement, location, and construction of the proposed apparatus is proper, and in accordance with the provisions of this act, issue a permit for the same. If objection is filed, the application shall be referred to the board of appeal, which may, in its discretion, require the deposit by the objector of a reasonable sum as security for the payment of the costs.

Commissioner may grant permit for certain work, etc.

After such notice as the board shall order it shall hear the same, and shall direct the commissioner to issue a permit, under such conditions as it may prescribe, or to withhold the same. If the permit is refused, the applicant, and if it is granted, the objectors shall pay such costs as the board may order.

Board of appeal to order a hearing, etc.

The commissioner may, from time to time, after public notice and hearing, prescribe conditions on which any or all boilers or furnaces may be maintained in buildings, and, if any person interested objects to such conditions and appeals from his decision establishing the same, the appeal shall be referred to the board of appeal, and thereupon said board shall prescribe the conditions.

Commissioner to prescribe conditions for maintaining boilers, etc.

COMBUSTIBLE MATERIALS.

SECTION 126. No building adapted for habitation, nor any part thereof, nor the lot upon which it is located, shall be used as a place for the storage, keeping or handling of any combustible article, except under such conditions as may be prescribed by the fire commissioner. No such building nor any part thereof, nor of the lot upon which it is located, shall be used as a place for the storage,

Combustible materials.

keeping or handling of any article dangerous or detrimental to life or health, nor for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

ENFORCEMENT OF ACT.

Enforcement
of act.

SECTION 127. Every structure and part thereof and appurtenant thereto shall be maintained in such repair as not to be dangerous. The owner shall be responsible for the maintenance of all buildings and structures. The lessee under a recorded lease shall be deemed the owner under the provisions of this act.

POWERS OF THE BOARD OF HEALTH.

Powers of
board of
health.

SECTION 128. The board of health may by vote limit the number of occupants who shall be permitted to dwell in any building or in any part or parts thereof. They shall cause a copy of any such vote to be served upon the owner of the building, his agent or other persons having the charge thereof. If the owner, agent, or other persons having charge of said building allow or permit more people than are permitted by said vote to occupy the building or any part or parts thereof, said board may order the premises to be vacated, and they shall not again be occupied without the permission of the board. The board may make such further regulations as to overcrowding, ventilation, the construction of water-closets, the lighting of hallways, and the occupation of buildings or parts thereof, not inconsistent with other laws, as they may deem proper. Said board may permit rooms in private stables to be occupied for sleeping purposes by grooms and coachmen.

ENFORCEMENT — JURISDICTION IN EQUITY.

Jurisdiction
in equity.

SECTION 129. Any court having jurisdiction in equity or any justice thereof shall, upon the application of the city by its attorney, have jurisdiction in equity:—

To restrain the construction, alteration, repair, maintenance, use or occupation of a building, structure or other thing constructed or used in violation of the provisions of this act, and to order its removal or abatement as a nuisance;

To restrain the further construction, alteration, repair, maintenance, use or occupation of a building, structure or other thing, which is unsafe or dangerous;

Jurisdiction
in equity.

To restrain the unlawful construction, alteration, repair, maintenance, use or occupation of any building, structure or other thing;

To compel compliance with the provisions of this act;

To order the removal by the owner of a building, structure or other thing unlawfully existing, and to authorize the commissioner, with the written approval of the mayor, in default of such removal by the owner, to remove it at the owner's expense.

Any person, the value of whose property may be affected by any decision of the board of appeal, may have the action of said board reviewed by the court by any appropriate process, provided that proceedings are instituted within thirty days after the date of such decision.

The person applying for the review shall file a bond with sufficient surety, to be approved by the court, for such sum as shall be fixed by the court, to indemnify and save harmless the person or persons in whose favor the decision was rendered from all damages and costs which they may sustain in case the decision of said board is affirmed.

In case the decision of the board is affirmed the court, on motion, shall assess damages, and execution shall issue therefor.

Any person having any duty to perform under the provisions of this act may, so far as may be necessary for the performance of his duties, enter any building or premises in the city of Boston.

JURISDICTION AT LAW.

SECTION 130. The municipal court of the city of Boston, concurrently with the superior court, shall have jurisdiction throughout the city of prosecutions and proceedings at law under the provisions of this act, and also of all provisions of law relative to plumbing and gas-fitting.

Jurisdiction
at law.

PROCEDURE.

SECTION 131. Upon the entry of any case brought under the provisions of this act the court shall, at the request of either party, advance the case, so that it may be heard and determined with as little delay as possible.

Procedure.

NUISANCE.

Nuisances.

SECTION 132. A building or structure which is erected or maintained in violation of the provisions of this act shall be deemed a common nuisance without other proof thereof than proof of its unlawful construction, and the commissioner may abate and remove it in the same manner in which boards of health may remove nuisances under the provisions of sections sixty-seven, sixty-eight and sixty-nine of chapter seventy-five of the Revised Laws.

Penalty.

Whoever violates any provision of this act, or whoever builds, alters, or maintains any structure or any part thereof in violation of any provision of this act, shall be punished by a fine not exceeding five hundred dollars.

REPEALS.

Repeal.

SECTION 133. So much of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two and of all acts in amendment thereof as is unrepealed is hereby repealed. So much of any other act as is inconsistent herewith is hereby repealed.

When to take effect.

SECTION 134. This act shall take effect upon the first day of August in the year nineteen hundred and seven.

Approved June 22, 1907.

Chap. 551 AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE RIVER FRONT OF THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

Improvement of the river front of the city of Springfield.

The board of railroad commissioners to constitute a commission to carry out the purposes of the act.

SECTION 1. Upon petition by the mayor and aldermen of the city of Springfield to the superior court for the county of Hampden, a commission which shall consist of the members of the board of railroad commissioners may be appointed by said court. Said commission shall receive compensation other than their official salary. The compensation and expenses of the commission, in so far as they relate to the abolition of grade crossings, shall be paid and apportioned under the provisions of sections thirty-two and thirty-four of Part I. of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six. In so far as they relate to matters other than the abolition of grade crossings, after having been approved by a justice

of the superior court, they shall be paid and apportioned as said commissioners may determine by and among the city of Springfield, the New York, New Haven and Hartford Railroad Company, the New York Central and Hudson River Railroad Company and the Boston and Albany Railroad Company. The commission shall return its decision of all the matters referred to it under the provisions of this act to the superior court for the county of Hampden, the decree of which court confirming such decision shall be final and binding. But no further action shall be taken under this act after said decision is returned to the court, unless within two years thereafter the board of park commissioners of the city of Springfield have made on behalf of the city a binding contract for the purchase of, or have acquired, as provided in section eight of this act, a substantial part of the location of the New York, New Haven and Hartford Railroad Company which lies within the limits stated in section eight.

SECTION 2. Said first named commission shall, after due notice to the New York Central and Hudson River Railroad Company, to the Boston and Albany Railroad Company, to the New York, New Haven and Hartford Railroad Company, to the New England Railroad Company, to the Boston and Maine Railroad, to the Connecticut River Railroad Company and to the city of Springfield, and a hearing, prescribe as a part of the work to be done under the provisions of this act such alterations in the union passenger station in Springfield and in its approaches and grounds as in their judgment the safety or convenience of the public and the interests of the railroad companies using the station may require. The Boston and Albany Railroad Company shall make such alterations in the manner thus prescribed by the commission within four years after the decision of the commission is confirmed by final decree. The New York, New Haven and Hartford Railroad Company shall be permitted to use said station and grounds upon such terms, conditions and regulations as the parties interested may agree upon. If they do not agree the board of railroad commissioners, upon application of any interested party, may from time to time prescribe and determine the same.

The commission, after notice and a hearing, to prescribe as a part of the work to be done such alterations in the union passenger station in Springfield as they deem to be necessary.

The New York, New Haven and Hartford Railroad Company to retain certain rights, etc.

SECTION 3. After notice and a hearing, the said commission shall prescribe the location and construction by the

The commission to prescribe the

work necessary to be done to carry out the provisions of the act, etc.

New England Railroad Company, or its successor, or by such other railroad corporation as they may prescribe, of a railroad connection from the state line of Connecticut on the west side of the Connecticut river to the west approach of the new railroad bridge over the river, provided for in this act, and thence over said bridge to a connection with the Boston and Albany railroad at or near the present connection. They shall also prescribe a railroad connection from a point south of the Agawam river from the Central New England railroad to the line to be constructed on the west side of the Connecticut river. The commission shall also prescribe the taking by the New York, New Haven and Hartford Railroad Company in fee or otherwise of sufficient land, easements or other rights, whether theretofore appropriated to another public use or not, to give to said railroad company suitable railroad connections in or near Springfield between its Highland division, so-called, and its Hartford division, and with the Boston and Maine Railroad; it being intended hereby that all divisions, including the Central New England railroad, of the New York, New Haven and Hartford Railroad Company shall be connected in or near the city of Springfield, and that a connection with the Boston and Maine Railroad shall be preserved to them. The commissioners shall prescribe the manner in which such connections shall be located and constructed by the corporation which the commissioners designate, and such corporation may locate and construct the same as thus prescribed and shall be liable for all damages occasioned thereby, the same to be secured and recovered in the manner provided by the general law for the securing and recovering of damages caused by the locating of railroads.

Taking of land, etc.

The commissioners shall also, as part of the improvements prescribed in this act, prescribe the taking of such land, whether theretofore appropriated to another public use or not, for freight and other terminal facilities as they may deem public necessity or convenience require to be taken by any of the railroads named in this act, damages therefor to be secured and recovered as provided by the general law for the securing and recovering of damages caused by the locating of railroads.

A railroad bridge may be con-

SECTION 4. The New York, New Haven and Hartford Railroad Company is hereby authorized to build a

railroad bridge across the Connecticut river from Springfield to West Springfield, and said commission shall prescribe the manner and limits within which said bridge and its approaches shall be constructed, and shall prescribe the taking by said railroad company in fee or otherwise of land sufficient for said bridge and its approaches, whether theretofore appropriated to another public use or not. The decree of the court confirming the report of the commission shall constitute such taking. Said railroad company shall pay all damages caused by such taking, the same to be secured and recovered in the manner provided by the general law for securing and recovering damages caused by the locating of railroads.

structed over the Connecticut river from Springfield to West Springfield, etc.

SECTION 5. Said commission may prescribe the taking by the Boston and Albany Railroad Company of any land or rights in land, whether theretofore appropriated to a public use or not, which it may deem public necessity or convenience require to be taken in carrying out the improvements prescribed by this act and to be prescribed by the commission. The Boston and Albany Railroad Company shall pay to the parties entitled thereto all damages sustained by the taking of lands, rights or other property in its behalf under the provisions of this act. If the parties interested cannot agree upon said damages any party may have the same determined by a jury in the superior court for the county of Hampden, on petition brought within one year after the final decree of the court affirming the decision of the commission, in the same manner in which damages caused by the taking of land for the locating of railroads are determined.

The commission may prescribe the taking of land or rights in land, etc.

Damages.

SECTION 6. Said commission may order the abolition of, and may prescribe the manner in which all the grade crossings of the New England Railroad Company now operated by the New York, New Haven and Hartford Railroad Company, lessee, between the boundary line dividing the town of East Longmeadow and the city of Springfield, and the bridge crossing the tracks of the said railroad company at Saint James avenue in Springfield, shall be abolished by alterations so made in such crossings, in the approaches thereto, in the location of the railroad or public ways or in the grades thereof as to avoid crossings at grade. The provisions of sections twenty-nine to forty-five, inclusive, of Part I. of chapter four hundred and

Certain grade crossings may be abolished, etc.

sixty-three of the acts of the year nineteen hundred and six and the provisions of section one hundred and fifty-eight of chapter one hundred and eleven of the Revised Laws, so far as they are applicable, shall apply to all proceedings under this section except as may be provided otherwise in this act. No consent shall be required of the members of said commission in their capacity as the board of railroad commissioners to their decisions as such commission, under the provisions of section thirty-six of Part I. of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six.

Certain streets may be extended, etc.

SECTION 7. Said commission shall prescribe the manner and the limits within which Dwight street in Springfield may be extended northerly to Liberty street through land now of the Boston and Albany Railroad Company. Said commission shall prescribe the manner and limits within which Water street in Springfield may be extended northerly under the railroad tracks and through land now of the Boston and Albany Railroad Company. Said streets may be extended within the limits so prescribed, and the necessary land, easements or other property may be taken therefor. The provisions of law relative to the laying out of public ways in Springfield, except as herein otherwise provided, shall apply thereto, and if the parties interested cannot agree upon the damages sustained therein, any party may have the damages determined by a jury in the superior court for the county of Hampden on petition brought within one year after the time when the property is entered upon and the work is actually begun thereon, in the same manner in which damages caused by the taking of land for the laying out of public ways in Springfield are determined.

The provisions of law relative to the laying of public ways in Springfield to apply to such extension, etc.

Certain tracts of land may be acquired for a public park.

SECTION 8. The board of park commissioners of the city of Springfield may acquire, by purchase, eminent domain or otherwise, for the purposes of a public park, in fee or otherwise, the whole or any part not now belonging to the city of Springfield of the tracts of land in the said city which are described as follows:— A tract of land bounded northerly by land of the Boston and Albany Railroad Company, easterly by Water street, southerly by Elm street and westerly by the Connecticut river; a certain other tract of land bounded northerly by Mechanics street, easterly by the east line of the location of the New York,

Description of the tracts of land which may be taken.

New Haven and Hartford Railroad Company, southerly by the boundary line between the city of Springfield and the town of Longmeadow, and westerly by the Connecticut river; also all land within the location of the New York, New Haven and Hartford Railroad Company lying between Water street and the Connecticut river, and all land owned by the New York, New Haven and Hartford Railroad Company adjoining any of the said tracts. Said board may lay out streets within the limits of the land so acquired, and may discontinue, and occupy for the purposes of a public park, all streets and rights of way embraced therein. In considering the manner of the acquisition of land for park purposes under the provisions of this section the said board of park commissioners shall take into account the requirements of river navigation. Said land may be contracted for, purchased, or taken, and expense may be incurred therefor, after an appropriation sufficient for the estimated expense thereof shall have been made by a majority of the members of each branch of the city council of the city of Springfield present and voting thereon. The provisions of sections seven, eight and nine of chapter twenty-eight of the Revised Laws, except as otherwise provided or permitted in this act, shall apply to proceedings under this section. But damages sustained by such taking shall not be payable until the land so taken has been entered upon and possession taken.

The requirements of river navigation not to be affected.

Certain provision of statute law to apply, etc.

SECTION 9. The New York, New Haven and Hartford Railroad Company shall abandon its present location except for the purposes of section eleven within the limits of the land taken under the provisions of this act by the said board of park commissioners, and shall remove its tracks therefrom upon the completion for its use, of the improvements herein prescribed, to the satisfaction of the board of railroad commissioners.

A certain railroad location may be abandoned, etc.

SECTION 10. The city of Springfield, to meet the expenses to be incurred by the city under the provisions of this act, may incur indebtedness, and may issue from time to time notes, bonds or scrip therefor to the amount of the appropriations made therefor, payable within fifty years after the dates of issue, and bearing such interest as may be determined by the city council; and the city council shall establish a sinking fund sufficient with the accumulating interest to provide for the payment of such

The city of Springfield may issue bonds, etc.

Payment of
loan.

notes, bonds or scrip at maturity. The said indebtedness shall not be reckoned in determining the statutory limit of indebtedness of the city. Instead of establishing a sinking fund the city council may, at the time of authorizing the said loan, provide for the payment thereof by such annual payments as will extinguish the debt at maturity, and may also provide for the payment of the interest annually due upon the loan; and when the city council has so voted the sum annually required to meet the said payments shall be raised by taxation in the same manner in which other taxes are assessed and collected in the city of Springfield.

The New
York, New
Haven and
Hartford
Railroad Com-
pany may
retain a certain
part of its
location for a
term of years,
etc.

SECTION 11. The New York, New Haven and Hartford Railroad Company shall, during the period of fifteen years after the passage of this act, maintain, in the territory described in section eight one track, with proper connections with its main tracks and with proper switches and turn-outs, for the purpose of transporting to and from the plants of the Springfield Gas Light Company and the United Electric Light Company all such coal and other freight as may be consigned to or shipped from said plants in the conduct of the business of said companies. The connection between said track and the main line of said railroad company may, at the option of said company, be made either by means of its present tracks or tracks in substitution therefor, or by means of an electric railway. Such track, switches, turn-outs and connecting tracks shall be so located and maintained as to afford convenient means of transportation for said freight, and said railroad company shall continue, for said period of fifteen years or for such shorter period as said plants or either of them shall remain in its present location, to transport over said track freight consigned to or shipped from either of said plants.

The United
Electric Light
Company may
construct and
operate an
electric light
plant in any
city or town
in which it is
now au-
thorized to do
business, etc.

SECTION 12. Said United Electric Light Company may at any time during said period of fifteen years or thereafter locate, construct and equip an electric light plant in any city or town in which it is now, or hereafter may be, authorized to do business, and may, subject to the provisions of law now or hereafter in force, lay conduits through, and construct poles and wires along and upon, any highways which may be necessary to connect such plant with the lighting system of said company in the city of Springfield; and it may lay cables and wires for the

transmission of electricity under and over the waters of the Connecticut river, or upon any highway bridge now or hereafter constructed across said river, and all work done in connection therewith shall be to the satisfaction of the county commissioners of the county of Hampden. For the purpose of carrying out the authority granted by this section, said company may, subject to the provisions of law now or hereafter in force, enter upon and dig up the soil of any way, and remove or displace temporarily the surface of any such bridge or bridges. In case said company shall establish a plant outside the limits of the city of Springfield, as hereinbefore authorized, and the city shall thereafter vote to engage in the manufacture or distribution of electricity for light, heat or power, said company shall have all the rights and privileges and be subject to all the duties and obligations which it would have had and been subject to under the provisions of chapter thirty-four of the Revised Laws, and of all acts in amendment thereof or in addition thereto, if its main works or station had continued to be located within the limits of said city; and such works or station outside the limits of said city, and the conduits, poles and wires connecting the same with the lighting system of said company in the city, shall be included in any property which the city shall be obliged by law to purchase from said company.

SECTION 13. The Springfield Gas Light Company may at any time during the period of fifteen years after the passage of this act, or thereafter, locate, construct and equip a main gas works, for the manufacture of gas and the carrying on of any other business in which it may be authorized to engage, in any town in which it is now, or hereafter may be, authorized to do business, and may, subject to provisions of law now or hereafter existing, construct, lay and maintain such mains, pipes, conduits and connections as may be necessary or convenient for the delivery of the gas manufactured by it at such main gas works to and within the limits of the city of Springfield and the towns in which it is or may be authorized to do business. Such mains, pipes, conduits and connections may be laid in any public way in any city or town in which said company is authorized to do business, and in, under or over the waters of the Connecticut river, or upon any

The Springfield Gas Light Company may construct and equip a main gas works in any town in which it is authorized to do business, etc.

highway bridge now or hereafter constructed across said river; and all work done in connection therewith shall be done to the satisfaction of the county commissioners of the county of Hampden. For the purpose of carrying out the authority granted by this section, said company may, subject to the provisions of law applicable thereto, enter upon and dig up the soil of any street or way, and remove or displace temporarily the surface of any such bridge. In case said company shall establish a main gas works outside of the city of Springfield, as hereinbefore authorized, and said city shall thereafter vote to engage in the manufacture or distribution of gas, said company shall have all the rights and privileges, and be subject to all the duties and obligations which it would have had and been subject to, under the provisions of chapter thirty-four of the Revised Laws, and of all acts in amendment thereof or in addition thereto, if its main gas works had continued to be located within the limits of said city; and such works outside the limits of said city, and the mains, pipes and conduits connecting the same with the lighting system of said company in said city, shall be included in any property which the city shall be obliged by law to purchase from said company.

Enforcement
of provisions
of the act.

SECTION 14. The supreme judicial court or any justice thereof shall have jurisdiction in equity to enforce the provisions of this act.

Damages.

SECTION 15. Any person or corporation who shall sustain damage to his or its property by anything required to be done under this act, for the securing and recovering of which provision is not hereinbefore specifically made, may recover the same in the manner provided by the general law for the securing and recovering of damages caused by the locating of railroads.

SECTION 16. This act shall take effect upon its passage.

Approved June 22, 1907.

Chap. 552 AN ACT IN FURTHER ADDITION TO AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE FOXBOROUGH STATE HOSPITAL.

Be it enacted, etc., as follows:

Appropriation.

SECTION 1. A sum not exceeding twenty-six thousand two hundred fourteen dollars and fifty-two cents is hereby appropriated, to be paid out of the treasury of the Com-

monwealth from the ordinary revenue, for the further maintenance of the Foxborough state hospital, in addition to any amounts heretofore appropriated for the same purpose.

Foxborough
state hospital.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1907.

AN ACT TO PROHIBIT THE ATTACHMENT OF THE ESTATES
OF DECEASED PERSONS.

Chap. 553

Be it enacted, etc., as follows:

SECTION 1. The real estate and personal property of a deceased person shall not be attached on mesne process in an action upon a debt due from, or upon a claim against, the deceased, except upon the permission of a judge of the probate court for the county in which the administrator or executor of the deceased person was appointed.

Prohibiting
the attach-
ment of the
estates of
deceased
persons in
certain cases..

SECTION 2. The provisions of this act shall not apply to actions brought under section twenty-seven of chapter one hundred and forty-one of the Revised Laws.

Not to apply
to certain
actions.

SECTION 3. This act shall take effect upon its passage.

Approved June 22, 1907.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE NEW
YORK, BROCKTON AND BOSTON CANAL AND TRANSPORTA-
TION COMPANY SHALL REFUND TO THE COMMONWEALTH
CERTAIN MONEY EXPENDED BY THE BOARD OF HARBOR
AND LAND COMMISSIONERS.

Chap. 554

Be it enacted, etc., as follows:

SECTION 1. The time within which, by the provisions of section twenty-two of chapter five hundred and thirty-two of the acts of the year nineteen hundred and six, the New York, Brockton and Boston Canal and Transportation Company was required to refund to the Commonwealth certain moneys expended by the board of harbor and land commissioners under chapter one hundred and four of the resolves of the year nineteen hundred and one is hereby extended so that said moneys shall be so refunded at any time within one year after the passage of this act.

Time
extended for
refunding
certain money,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1907.

Chap. 555 AN ACT TO PROVIDE FOR IMPROVEMENTS AND ADDITIONS AT
CERTAIN STATE INSTITUTIONS.

Be it enacted, etc., as follows:

Prisons and
Hospitals
Loan.

SECTION 1. To provide funds for the construction or enlargement of certain public institutions hereinafter named, and for the proper keeping of the insane and others committed to the care of the Commonwealth, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding two hundred and thirty-four thousand two hundred dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof as the Prisons and Hospitals Loan, shall be countersigned by the governor, shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be disposed of at public auction, or in such other manner, and at such times and prices, and in such amounts, and shall bear such rates of interest, not exceeding four per cent per annum, as shall be deemed for the best interests of the Commonwealth; but none of the same shall be sold at less than the par value thereof. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prisons and Hospitals Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act; and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said securities. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said securities shall be raised by taxation from year to year.

Sinking fund.

Expenditures.

SECTION 2. From the aforesaid loan expenditures may be made as follows: —

By the trustees of the Danvers insane hospital, a sum not exceeding thirty-eight thousand eight hundred dollars, for the following purposes: — For the construction of a water tower and improvement of the fire service, a sum not exceeding fifteen thousand dollars; for the construction of two fireproof sun rooms and fire escapes, as an addition to ward buildings, a sum not exceeding twenty thousand dollars; for the purchase of twenty acres more or less of tillage land lying between the state land and the railroad, a sum not exceeding thirty-eight hundred dollars.

Danvers
insane
hospital.

By the trustees of the Massachusetts School for the Feeble-Minded, a sum not exceeding thirty-four thousand dollars, for the following purposes: — For constructing an addition to the manual training building, a sum not exceeding twenty-four thousand dollars; and for additions to the hospital groups of buildings at Waltham, a sum not exceeding ten thousand dollars.

Massachusetts
School for the
Feeble-
Minded.

By the trustees of the state farm, a sum not exceeding forty-one thousand dollars, for the following purposes: — For furnishing and lighting the pauper building now in process of construction, a sum not exceeding twenty thousand dollars; for the erection of a laundry building, a sum not exceeding six thousand dollars; for an extension of the attendants' building, a sum not exceeding ten thousand dollars, and for furnishings for the industrial building for the insane, now in process of construction, a sum not exceeding five thousand dollars.

State farm.

By the trustees of the state hospital, a sum not exceeding fifty thousand dollars, for the following purposes: — For the construction of a children's ward, a sum not exceeding thirty thousand dollars, and for the construction of a consumptives' ward, a sum not exceeding twenty thousand dollars.

State hospital.

By the trustees of the Westborough insane hospital, a sum not exceeding forty-eight thousand four hundred dollars, for the following purposes: — For an extension of the water system to connect with the town of Westborough water supply and for the improvement of the hospital fire service, a sum not exceeding fifty-four hundred dollars; for constructing and equipping new buildings for bakery, storage of supplies and refrigerating plant, a sum not exceeding thirty thousand dollars, and for the purchase of

Westborough
insane
hospital.

land, buildings and chattels thereon and improvements thereof, a sum not exceeding thirteen thousand dollars.

Wrentham
state school.

By the trustees of the Wrentham state school, a sum not exceeding twenty-five thousand dollars, for new construction, furnishing and equipping and other work made necessary by the growth of the institution.

SECTION 3. This act shall take effect upon its passage.

Approved June 22, 1907.

Chap. 556 AN ACT TO EXTEND THE PROVISIONS OF LAW RELATIVE TO ELECTRIC RAILROAD COMPANIES TO THE FORM OF RAILWAY KNOWN AS THE BOYNTON BICYCLE RAILWAY.

Be it enacted, etc., as follows:

1906, 516, etc.,
to apply to
the Boynton
Bicycle
Railway.

SECTION 1. The provisions of chapter five hundred and sixteen of the acts of the year nineteen hundred and six and all acts in addition thereto and in amendment thereof shall, so far as they are applicable, apply to the construction, operation and maintenance of the form of railway known as the "Boynton Bicycle Railway."

1897, 527,
revived.

SECTION 2. Chapter five hundred and twenty-seven of the acts of the year eighteen hundred and ninety-seven, being an act to incorporate the Boston, Quincy and Fall River Bicycle Railway Company, is hereby revived and the corporation thereby incorporated is hereby declared to be a corporation with all the rights, powers and privileges and subject to the duties and obligations created or imposed by the said act and with all rights or property acquired by virtue of the said act to the same extent as if the said act had never become void, except that the said corporation is authorized to carry freight and express matter as well as baggage and United States mail, and except, also, that the time within which twenty miles of the said railway must be built in order that the company may retain the privileges granted by said act is hereby extended to two years from the passage of this act.

Certain acts,
etc., ratified
and confirmed.

SECTION 3. All acts done and all property or rights in property acquired by the said company since the passage of the said chapter five hundred and twenty-seven are hereby ratified and confirmed.

Boston,
Quincy and
Fall River
Bicycle Rail-
way Company
incorporated.

SECTION 4. E. Moody Boynton, his associates and successors, are hereby made a corporation under the name of the Boston, Quincy and Fall River Bicycle Railway Com-

pany, to construct and operate an elevated and surface bicycle railway for the carriage of passengers, baggage, United States mails, and freight, under the bicycle railroad patents granted to said E. Moody Boynton, beginning at the corner of Dudley street and Harrison avenue in the city of Boston; thence to Warren street; thence upon and over Warren street to Blue Hill avenue; thence upon and over Blue Hill avenue to Geneva avenue; thence upon and over Geneva avenue, across Dorchester avenue to Gibson street; thence along and over Gibson street to Adams street; thence along and over Adams street and Neponset avenue to the Quincy line, then passing through the city of Quincy, the towns of Braintree and Holbrook, the city of Brockton, the towns of Easton and Bridgewater, and the city of Taunton, to any part of Fall River. The above route may be located in any city or town through which it passes, as the mayor and aldermen of the cities, and as the selectmen of the towns, may determine. The capital stock of said corporation shall be not more than five million dollars, divided into shares of one hundred dollars each.

Capital stock.

SECTION 5. Said company, for the purpose of procuring and constructing its railway and its extensions, branches, sidings, rails, terminals, yards, stations and other structures, and for procuring engines, cars and other equipment, may issue, to an amount not exceeding the amount of its capital stock actually paid in, negotiable bonds, registered or coupon, payable in not more than fifty years from the date of issue, and bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, as determined by its directors. No stock or bonds shall be issued or otherwise disposed of at less than the par value thereof. Only such amounts of capital stock and bonds shall be issued as may, from time to time, upon investigation by the board of railroad commissioners, be deemed and be voted by them to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. The vote of the board approving such issue shall specify the respective amounts of stock and bonds authorized to be issued and the purposes to which the proceeds thereof are to be applied. A certificate setting forth the vote of the board shall, within three days after said vote, be filed in the office of the secretary of the Com-

May issue bonds, etc.

Issue of stock and bonds to be approved by the railroad commissioners.

monwealth before the certificates of stock or bonds are issued, and said company shall not apply the proceeds of such stock or bonds to any purposes not specified in the vote of the board, and the application of the proceeds of such stock or bonds contrary to the provisions of law shall be punished in the same manner provided by law for the unlawful issue of stock and bonds by railway or railroad companies. Any such decision and vote of the board of railroad commissioners shall be filed in writing in the office of said board within seven days after the rendering thereof, and shall assign in writing the reasons for the decision. Said company may increase its capital stock, subject to all general laws relating to street railways and steam railroads applicable thereto.

Bonds may be
secured by
mortgage, etc.

SECTION 6. Said company may secure said bonds by mortgage of its property and franchises, and in such mortgage may include property to be thereafter acquired, and the right to sell or dispose of any personal property covered by said mortgage which may become worn or otherwise unfit for use, provided an equivalent in value is substituted therefor.

Locations, etc.

SECTION 7. Said company may build its railway in any city or town aforesaid, along and above such streets as the mayor and aldermen of the city or the selectmen of the town shall grant, or through and upon private lands, and the elevated structure of said railway shall be subject to the approval of the board of railroad commissioners as to its strength and its height above any public way across or along which it shall be built. The mayor and aldermen of any city or selectmen of any town shall, within sixty days after application for a location has been filed, make a location that will give a reasonably direct route between Boston and Fall River. Whenever said company shall make any excavations in or near any public highway, or shall set any foundation, pier or post in or near the same, the surface of the street, sidewalk or other ground shall be restored as soon as practicable to the condition, as near as may be, in which it was before the excavation was made; and any interference which shall be made with or change in water or gas mains, or pipes, sewers, drains or other subterranean works shall be upon condition that the same shall be immediately restored to a serviceable condition, as good as before such change or interference, and at the sole cost and expense of said company. If, in the opinion

of the mayor and aldermen of any city or the selectmen of any town named in this act, the widening, strengthening or rebuilding of any bridge or the rebuilding of any street or highway in said city or town is at any time rendered necessary by reason of the location, construction or operation of said railway upon said street, highway or bridge, the entire cost and expense of such widening, strengthening or rebuilding shall be borne by said corporation; and said corporation shall, within thirty days after written notice of such necessity from said mayor and aldermen or selectmen, deposit with the treasurer of the Commonwealth a sum which, in the opinion of the mayor and aldermen or said selectmen, shall be reasonably sufficient to cover said expense, and until such sum has been so deposited all further use by said corporation, or those claiming by, through or under it, of said bridge, street or highway shall cease. The supreme judicial court or the superior court sitting in equity may summarily enforce the provisions of this section by injunction or other appropriate remedies.

Payment of expense of strengthening, widening, etc., any bridge, etc.

Enforcement of provisions.

SECTION 8. Said company shall maintain and operate said railway by electricity, and, with the consent of the authorities of the cities and towns through which said railway passes, may make such underground alterations in such streets and highways as may be necessary to establish and maintain said railway. Said company shall not construct or operate its railway at grade across any railroad or highway. No location shall be granted longitudinally along and over lands owned or occupied by any railroad corporation without the consent of the directors of such railroad corporation. If said company crosses any railway or railroad location, highway, street or public place, the elevated structure of said railway shall be subject to the approval of the board of railroad commissioners as to its breadth, strength and height above any such railway or railroad location, highway, street or public place. The fare of said railway shall not exceed five cents within the limits of any city or town.

The company to maintain and operate its railway by electricity, etc.

SECTION 9. Said company and any officer, person or corporation, for the purpose of carrying out the provisions of this act, may enter into and upon any lands, and make surveys and examinations, and place and maintain marks thereon, and may do all other acts thereon incidental to such surveys, examinations, and placing and maintaining marks, and may take by purchase or otherwise such lands,

May take certain lands, etc.

to the same extent and in the same manner and subject to the same conditions and restrictions provided by chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, and of the acts in amendment thereof and in addition thereto, excepting parks and other public property, as it may deem necessary for its railway, its extensions, branches, sidings, terminals, yards, stations and other structures, and all lands thus taken, together with the structures erected thereon, shall be the property of said company: *provided, however*, that the location of said railway outside of public streets and highways shall not exceed fifty feet in width, except for the purposes of stations; and *provided, further*, that no present location or land of any railroad corporation shall be taken otherwise than by purchase.

Provisos.

Damages.

SECTION 10. Said company shall pay all damages sustained by any person in his property by reason of any taking or other act done under the provisions of section six of this act, and if any such person cannot agree with said company as to his damages, the same may be determined by a jury in the superior court for the county where the property is, in the manner and subject to the rules of law provided for the determining of damages for taking land in laying out railroads, on petition of said company or of said person therefor filed in the clerk's office of said court, within three years after such taking or the building of such structure, and judgment shall be entered upon said determination and costs shall be taxed and execution issued in favor of the prevailing party as in civil cases.

Security for payment of damages may be required in certain cases.

SECTION 11. Said company shall upon the filing of any such petition, when required thereto by any justice of the superior court, on application of the person whose land is taken, give security to the satisfaction of said justice for the payment of all damages and costs which may be awarded by a jury on said petition, and if upon said application and notice to said company the security appears to said judge to have become insufficient, said company and any person or corporation claiming by, through or under it, shall give further security to the satisfaction of said justice, and all the right and authority of said company to enter upon or use the land or other property, except for making surveys, shall upon such application be suspended until the security so required is given.

SECTION 12. The location, construction, maintenance or operation of said lines of railway in any public or private way shall be deemed an additional servitude, and entitle lessees, mortgagees and other parties having an estate in such way or in premises which abut thereon, and who are damaged by reason of the location, construction, maintenance and operation of said lines of railway, to recover reasonable compensation in the manner herein provided. Any such person may, at any time within three years after the construction of such railway upon or in front of his premises, file, in the clerk's office of the superior court for the county where his said premises lie, a petition, setting forth his claim and the amount thereof against said corporation. He shall give to said corporation fourteen days' notice of the filing of such petition, and answer thereto shall be filed by said corporation within thirty days after the return day of such notice. Any such petition shall be heard by a jury, if either party claims such right at the time of filing the petition or within ten days after filing the answer thereto; otherwise they shall be determined by the court without a jury.

Location, construction, etc., to be deemed an additional servitude, etc.

SECTION 13. The findings shall be on the following questions, to wit:—First. Has the petitioner's estate been damaged more than it has been benefited or improved in value by reason of the location, construction, maintenance or operation of such railway? Second. If so, how much? If the answer to the first question shall be "No", a verdict shall be rendered for the corporation; otherwise a verdict shall be rendered for the petitioner for the amount found in answer to said second question, including interest from the day of filing of the petition.

Relative to proceedings for damages.

SECTION 14. Said corporation shall, upon the entry of judgment pursuant to findings upon the foregoing provisions of section twelve, pay or tender to the judgment creditor the amount of said judgment with costs. If such payment or tender shall not be made within thirty days after the entry of such judgment the court in which the same has been entered shall issue its execution to compel the payment thereof.

Payment of damages.

SECTION 15. The supreme judicial court and any justice thereof, and the superior court and any justice thereof, shall have jurisdiction in equity, on petition of any party interested, to compel compliance with the provisions of

Enforcement of provisions.

this act, and to enforce any order made under the authority of this act, and to prevent violation of any of the provisions hereof.

May contract with persons or corporations for supplying electricity, etc.

SECTION 16. Said company may make contracts with any person or corporation authorized to produce or manufacture electricity for any purpose, for supplying electricity for the motive power of said railway and for other uses, and such person or corporation is hereby authorized to enter into contracts for so supplying electricity. Said company may lease the property and rights of any corporation operating a street railway in any city or town in which the railway of said company may be built, provided that said lease is approved by three fourths in interest of the stockholders of said corporation and by the board of railroad commissioners. If over any part of the route there is a structure built, or proposed to be built, for the use of cars made under the patents known as the Boynton bicycle company patents, said company may unite with any proposed or existing corporation owning the same in joint building or use of said structure.

Railroad commissioners may order temporary removal, etc., of tracks, etc.

SECTION 17. The board of railroad commissioners may order the temporary removal of any surface tracks in or on any way or place through or over which said railway, its branches and extensions, terminals and other structures are to be built, and may order the relocation of any tracks, conduits, pipes, wires or poles in any such way or place of any person or corporation which it deems to interfere with the construction or operation of said railway, its branches or extensions, and the person or corporation owning said tracks, wires or other property shall comply with said orders. Any person or corporation using or authorized by law to use wires along the route of said railway may affix them to the elevated structures of said company on such terms as said board may approve. Any expenses attending any removal, relocation or attachment aforesaid shall be apportioned by said board of railroad commissioners as it deems just and equitable.

To be deemed a street railway company.

SECTION 18. Said company shall, in so far as it operates in streets, be deemed a street railway company, and all general laws relating to railroad and street railway corporations, so far as applicable, shall apply to said company.

Twenty miles of railway to be built within five years, etc.

SECTION 19. All rights and privileges granted under this act for the purpose of building a railway between Boston and Fall River shall be forfeited if twenty miles

of said railway are not built within five years from the passage of this act. At the expiration of said five years if twenty miles of said railway have been built and operated, then all rights and privileges under this act shall extend for two years further as to the remainder of the route between Boston and Fall River.

SECTION 20. When it is shown to the satisfaction of the board of railroad commissioners that a sum sufficient in its judgment to pay all damages, immediate or consequential, that may be occasioned by laying out, making and maintaining the railway, or by taking any land or materials therefor, has in good faith been paid in cash to the treasurer, and when said board is satisfied, by a bond or such other assurance of good faith in the premises as it may deem necessary and require, that said sum will remain in the hands of said treasurer until it is drawn out for the lawful expenditure of the corporation, the clerk of the board, upon its order, shall so certify to the secretary of the Commonwealth that such requirements appear to have been complied with, and thereupon, but not before, the said corporation may proceed to locate and construct its said railway. It shall have the same rights and powers and be subject to the same duties, restrictions, conditions and liabilities in regard to the location and construction of its railway as are contained in chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, Part II, sections seventy-one to one hundred and twenty-eight, inclusive, and acts in addition thereto and amendatory thereof relating to railroad corporations. And for the purpose of fixing and locating and constructing its road said corporation shall be deemed a railroad corporation. But said elevated railway may be located and built in any city or town aforesaid, along and above such streets as the mayor and aldermen of the city, or the selectmen of the town, shall approve, subject to such restrictions and conditions as the said mayor and aldermen or selectmen may impose, and locations in streets shall be subject to the provisions of sections sixty-five and sixty-six of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, Part III.

Conditions upon which the corporation may proceed to locate and construct its railway, etc.

SECTION 21. This act shall take effect upon its passage.

Approved June 24, 1907.

Chap.557 AN ACT RELATIVE TO THE MUNROE AND KNIGHT MACHINE SCREW COMPANY.

Be it enacted, etc., as follows:

1907, 290,
amended.

SECTION 1. Chapter two hundred and ninety of the acts of the current year, being "An Act to dissolve certain corporations," in so far as it applies to or affects the Munroe and Knight Machine Screw Company, is hereby repealed; and the charter, organization and acts of said corporation shall have the same force and effect as at the time of the passage of the said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved June 24, 1907.

Chap.558 AN ACT TO AUTHORIZE THE MILLERS FALLS WATER SUPPLY DISTRICT TO PURCHASE AND DISTRIBUTE ELECTRICITY.

Be it enacted, etc., as follows:

Millers Falls
Water Supply.
District may
purchase and
distribute
electricity.

SECTION 1. The Millers Falls Water Supply District, incorporated in the town of Montague by chapter one hundred and fifty of the acts of the year eighteen hundred and ninety-six, the limits of which were extended into the town of Erving by chapter five hundred of the acts of the year nineteen hundred and two, and which was authorized to generate, store and sell electricity for light, heat or power, by chapter two hundred and twenty-one of the acts of the year nineteen hundred and three, is hereby authorized to purchase electricity for light, heat or power, from any person, corporation or municipality, and to convey, distribute, store, sell and use the same.

SECTION 2. This act shall take effect upon its passage.

Approved June 24, 1907.

Chap.559 AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO BORROW MONEY FOR WATER PURPOSES.

Be it enacted, etc., as follows:

Stoneham
Water Loan,
Act of 1907.

SECTION 1. The town of Stoneham, for the purposes specified in chapter four hundred and seventy-three of the acts of the year eighteen hundred and ninety-seven, is hereby authorized to borrow a sum not exceeding ten thousand dollars and to issue bonds therefor. Such bonds shall be denominated on the face thereof, Stoneham Water

Loan, Act of 1907, shall be signed by the treasurer of the town and countersigned by the commissioners of public works, and shall bear interest at a rate not exceeding four per cent per annum. Of the sum so borrowed five thousand dollars shall be paid in the year nineteen hundred and thirty and five thousand dollars in the year nineteen hundred and thirty-one, and the said amounts shall be taken from the income of the water department of the town in the said years, respectively, and if the said income is not sufficient the deficiency shall be supplied by taxes assessed and collected in the said years respectively in the same manner in which other taxes are assessed and collected.

SECTION 2. This act shall take effect upon its passage.

Approved June 26, 1907.

AN ACT TO CODIFY THE LAWS RELATIVE TO CAUCUSES AND ELECTIONS. Chap. 560

Be it enacted, etc., as follows:

PART 1.

GENERAL PROVISIONS.

SECTION 1. Terms used in this chapter and in statutes relative to elections shall be construed as follows, unless other meaning is clearly apparent from language or context, or unless such construction is inconsistent with the manifest intent of the legislature:

Certain terms defined.

“Assessors” shall mean the assessors of taxes of a city or town.

“Caucus” shall apply to any public meeting of the voters of a precinct, ward, or town, held under the provisions of this chapter for the nomination of a candidate for election, for the election of a political committee or of delegates to a political convention.

“Caucus officers” shall apply to chairmen, wardens, secretaries, clerks and inspectors, and, when on duty, to additional officers appointed or elected, or elected to fill a vacancy, and taking part in the conduct of caucuses or primaries.

“City election” shall apply to any election held in a city for the choice of a city officer by the voters whether for a full term or for the filling of a vacancy.

Certain terms
defined.

“City officer” shall apply to any person to be chosen by the voters at a city election.

“Convention” shall apply only to a meeting of delegates duly chosen in caucuses, representing two or more subdivisions of the district for which the convention is held.

“Election” shall apply to the taking of a vote upon a proposed amendment to the constitution; upon the question of granting licenses for the sale of intoxicating liquors; and upon any other question by law submitted to the voters.

“Election officer” shall apply to wardens, clerks, inspectors and ballot clerks, and to their deputies when on duty, and also to selectmen, town clerks, moderators and tellers when taking part in the conduct of elections.

“Elective office” shall apply to any office to be filled by the voters at any state, city or town election.

“Municipal party” shall apply to a party other than a political party which at the preceding city or town election polled for mayor or a selectman at least three per cent of the entire vote cast in the city or town for that office or, in a city, which files with the city clerk, or in Boston with the election commissioners, at least sixty days before the annual municipal election, a petition to be allowed to place caucus nominations on the official ballot, which petition is signed in person by a number of registered voters of the city equal to at least three per cent of the entire vote polled in the city for mayor at the preceding election, and so far as municipal elections in a city are concerned, such a party shall also be deemed a political party within the meaning of this chapter; but the term “municipal party” shall be used only with reference to caucuses for the nomination of city or town officers.

“Official ballot” shall mean a ballot prepared for any election, caucus or primary by public authority and at public expense.

“Political committee” shall apply only to a committee elected in pursuance of this chapter.

“Political convention” shall apply only to a convention called and held in pursuance of this chapter.

“Political party” shall apply to a party which at the preceding annual state election polled for governor at least three per cent of the entire vote cast in the commonwealth for that office.

“Polling place” shall apply to a room or place provided by a city or town for an election, caucus, or primary.

Certain terms defined.

“Presiding officer” shall apply to the warden or chairman at a caucus, or primary, to the warden, chairman of the selectmen, moderator, moderator pro tempore or town clerk in charge of a polling place at an election, or to a justice of the peace acting as moderator at a town meeting; or, in the absence of any such officer, to the deputy warden or the clerk or senior inspector or senior selectman present who shall have charge of a polling place.

“Primary” shall apply to a caucus of political parties held under the provisions of sections one hundred and forty-four to one hundred and sixty of this chapter.

“Registrars” shall mean the board of registrars of voters of a city or town or the board of election commissioners of the city of Boston, when applicable.

“State election” shall apply to any election held for the choice of a national, state, district or county officer by the voters, whether for a full term or for the filling of a vacancy.

“State officer” shall apply to any person to be chosen at a state election.

“Town election” shall apply to any meeting held for the election of town officers by the voters, whether for a full term or for the filling of a vacancy.

“Town elections or meetings at which official ballots are used” shall be construed to mean town elections or meetings in towns to which section three hundred and ninety-two applies.

“Town officer” shall apply to any person to be chosen at a town meeting.

“Two leading political parties” shall apply to the political parties which cast the highest and next highest number of votes for governor at the preceding annual state election.

“Voter” shall mean a registered male voter.

SECTION 2. In all elections of civil officers by the people, the person receiving the highest number of votes for an office shall be deemed and declared to be elected to such office; and if two or more persons are to be elected to the same office, the several persons, to the number to be chosen to such office, receiving the highest number of votes, shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed

Results of election, how determined.

to be elected if thereby a greater number would be elected than are by law to be chosen.

Elections in cities to be on Tuesdays.

SECTION 3. All elections in cities which by charter or statute are to be held on a Monday, shall be held on the Tuesday next succeeding such Monday.

Time, how computed in election laws.

SECTION 4. In computing the period of time prescribed in any statute relating to elections, Sundays and holidays shall generally be included; but when the last day of such period falls on a Sunday or on a holiday the succeeding day shall be considered the final day of such period; and when the first day of such period falls on a Sunday or on a holiday, the day preceding shall be considered the first day of the period.

Time to be allowed for voting of employees.

SECTION 5. No person entitled to vote at an election shall, upon the day of any such election, be employed in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, during the period of two hours after the opening of the polls in the voting precinct or town in which he is entitled to vote, if he shall make application for leave of absence during such period.

Sale, etc., of intoxicating liquors on election days.

SECTION 6. No common victualler having a license of the first, second or third class for the sale of intoxicating liquors and no person, other than a wholesale druggist, having a license therefor of the fourth or fifth class shall sell, give away or deliver on the licensed premises any such liquors on the day on which a state, city or annual town election is held in the city or town in which such premises are situated; and no innkeeper having a license for the sale of intoxicating liquors shall, on the day of any such election, sell, give away or deliver in his inn any such liquors to other than persons who have resorted to his inn for food or lodging; but the provisions of this section shall not apply, in case of an election held in a city on a day other than that of the annual city election therein, to wards in which no election is held.

Posting of lists, notices, etc.

SECTION 7. All lists, notices and copies of laws relating to elections, required by law to be posted, shall be posted at the places in which the voting lists are required by law to be posted, or as near as may be thereto.

Election commissioners in Boston, powers and duties of.

SECTION 8. All the powers and duties relating to caucuses, primaries or elections by law vested in and imposed upon the mayor and aldermen or either of them, the city

clerk or the board of registrars of voters in cities, excepting the power and duty of giving notice of elections, and fixing the days and hours of holding the same, shall, in the city of Boston, be vested in and performed by the board of election commissioners of said city, who shall be subject to all penalties prescribed for failure to perform the said duties.

SECTION 9. The board of aldermen of a city, in Boston the election commissioners, or the selectmen of a town may make regulations not inconsistent with the provisions of this chapter relative to the use of ballot boxes and seals, counting and other apparatus, the receiving of ballots and the counting and returning of votes.

Ballot boxes,
etc., regula-
tions as to use.

SECTION 10. If, in a criminal prosecution for the violation of any law relating to the assessment, qualification or registration of voters, or to voting lists or ballots or matters pertaining thereto, the defendant relies upon the invalidity, informality or irregularity of such assessment, qualification or registration, or of such voting lists or ballots, or matters pertaining thereto, he shall prove such invalidity, irregularity or informality; and until such proof, the presumption shall be that such assessment, qualification or registration, or such voting lists or ballots or matters pertaining thereto, are valid, formal and regular, and in accordance with law; but the validity, regularity or formality of such assessment, qualification or registration of voters, or of such voting lists or ballots, or matters pertaining thereto, may also be proved in any other legal manner.

Registration,
etc., to be
deemed
regular in
criminal
prosecution.

SECTION 11. If, in a criminal prosecution for the violation of any law relating to primaries, caucuses or elections or matters pertaining thereto, the defendant relies upon the invalidity, irregularity or informality of any caucus, primary or election, or upon the failure or neglect of any officer or person to do any act in relation to any primary, caucus or election or matters pertaining thereto, he shall prove such invalidity, irregularity, informality, failure or neglect; and until such proof, the presumption shall be that such primary, caucus or election or matters pertaining thereto were valid, regular and formal and that such officer or person acted as prescribed by law. The testimony of the clerk of the city or town, or in Boston the election commissioners, wherein it is alleged that such elec-

Primary,
caucus or
election to be
deemed regular
in criminal
prosecution.

tion was held, or of the presiding officer, secretary or clerk of such primary or caucus, that such primary, election or caucus was actually held, shall be prima facie evidence that the same was regularly and duly held; but the validity, regularity or formality of such primary, caucus or election or matters pertaining thereto may also be proved in any other legal manner.

QUALIFICATIONS OF VOTERS.

Qualifications
of male voters.

SECTION 12. Every male citizen of twenty-one years of age or upwards, not being a pauper or person under guardianship, who is able to read the constitution of the commonwealth in the English language and to write his name, and who has resided within the commonwealth one year and within the city or town in which he claims a right to vote, six calendar months last preceding a state, city or town election, may have his name entered upon the list of voters in such city or town, and shall have the right to vote therein in any such election or in any meeting held for the transaction of town affairs upon complying with the requirements hereinafter set forth; and, except as above provided, no male person shall have his name entered upon the list of voters or have the right to vote, except that no person who is prevented from reading or writing as aforesaid by a physical disability, or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, shall, if otherwise qualified, be deprived of the right to vote by reason of not being able so to read or write; and no person who, having served in the army or navy of the United States in the time of war, has been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town; and further, no person, otherwise qualified to vote for national or state officers shall, by reason of a change of residence within the commonwealth, be disqualified from voting for such officers in the city or town from which he has removed his residence until the expiration of six calendar months from the time of such removal.

Certain persons
not to be
disqualified.

Qualifications
of female
voters.

SECTION 13. Every female citizen having the qualifications of a male voter required by the preceding section may

have her name entered upon the list of voters for school committee, and shall have the right to vote for members of the school committee upon complying with the requirements hereinafter set forth.

SECTION 14. A person qualified to vote in a city or town divided into wards or voting precincts shall be registered and be entitled to vote in the ward or voting precinct in which he resided on the first day of May preceding the election, or, if he became an inhabitant of such city or town after such first day of May, in the ward or voting precinct in which he first became a resident.

Plan of registration and voting.

ASSESSMENT OF POLL TAXES AND LISTS OF PERSONS ASSESSED.

SECTION 15. The assessors, assistant assessors, or one or more of them, shall annually, in May or June, visit every building in their respective cities and towns and, after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, age, occupation and residence, on the first day of May in the current year, and the residence on the first day of May in the preceding year, of every male person twenty years of age or upwards, residing in their respective cities and towns, liable to be assessed for a poll tax; and, except in Boston, shall inquire at the residences of the women voters whose names are contained in the list transmitted to them by the registrars under the provisions of section forty-four whether such women voters are resident thereat, and shall thereupon make true lists of the women voters found by them.

Assessors to make lists of male persons liable to a poll tax.

To make lists of women voters.

Any inmate of the Soldiers' Home in the city of Chelsea shall have the same right as any other resident of that city to be assessed and to vote therein.

Inmates of Soldiers' Home may be assessed and vote in Chelsea.

The assessors shall, upon the personal application of an assessed person for the correction of any error in their original lists, and whenever informed of any such error, make due investigation, and, upon proof thereof, correct the same on their books. When informed of the omission of the name of a person who is averred to have lived in the city or town on the first day of May in the current year, and to have been assessed there in the preceding year, they shall make due investigation, and, upon proof thereof,

Assessors to correct errors and supply omissions.

Applications, etc., to be preserved for two years.

Except in Boston to transmit to registrars and collectors, lists, etc.

Assessors of cities, except Boston, and certain towns to prepare street lists, etc.

Lists of assessed polls to be posted in certain towns.

Form and contents of street lists.

Assessment of persons not previously assessed.

supply the omission on their books. They shall cause all applications, certificates and affidavits received by them under this section to be preserved for two years.

SECTION 16. The assessors, except in Boston, shall from time to time, and before the fifteenth day of July in each year, transmit to the registrars of voters the lists made as provided in the preceding section, or certified copies thereof, and shall promptly transmit to the registrars and to the collector of taxes notice of every addition to and correction in the lists made by them. Every assessor, assistant assessor and collector of taxes shall furnish all information in his possession necessary to aid the registrars in the performance of their duties.

SECTION 17. The assessors of cities, except in Boston, shall, on or before the fifteenth day of July in each year, and the assessors of towns having over five thousand inhabitants according to the latest census, state or national, shall, on or before the first day of August in each year, prepare street lists containing the names of all persons assessed by them for poll taxes for the current year. Such lists for cities and for towns divided into voting precincts shall be arranged by voting precincts. They shall print such lists in pamphlet form, shall deliver to the registrars as many copies thereof as they may require, and shall hold the remaining copies for public distribution. In all other towns they shall, on or before the first day of August in each year, cause lists of all persons assessed therein for poll taxes to be prepared and conspicuously posted in two or more public places in every such town.

SECTION 18. Except in Boston, the assessors shall name or designate in such street lists all buildings used as residences, in their order on the street where they are located, by giving the number or other definite description of each building so that it can be readily identified, and shall place opposite to or under each number or other description of a building the name, age and occupation of every person residing therein on the first day of May of the current year and assessed for a poll tax, and his residence on the first day of May of the preceding year.

SECTION 19. If a male person resident in a city or town, except Boston, on the first day of May was not assessed for a poll tax, he shall, in order to establish his right to assessment, present to the assessors before the close of registration a statement under oath that he was

on said day a resident of such city or town and liable to pay a poll tax therein, and a list under oath of his polls and estate and shall also produce before the assessors two witnesses, who shall testify, under oath, that they are voters of the ward or town in which such person desires to be registered and that the statement of the applicant is true.

A male person who becomes a resident of a city or town, except Boston, after the first day of May and desires to be registered as a voter shall present to the assessors a statement under oath that he has been a resident of such city or town for six months immediately preceding the election at which he claims the right to vote, and shall produce before the assessors two witnesses, who shall testify under oath that they are voters of the ward or town in which such person desires to be registered and that the statement of the applicant is true. If the assessors are satisfied that such statements are true, they shall, in the first case, assess such applicant for his polls and estate and give him a certificate of assessment, and in the second, give him a certificate that he has been a resident in such city or town the six months preceding such election, and forthwith notify the registrars of voters of the city or town, if in this commonwealth, where such person resided on the first day of May, that they have given such certificate.

Certain persons desiring to be registered to present a statement to assessors, etc.

SECTION 20. The assessors, except in Boston, shall enter the name and residence of each person thus assessed or certified in a book provided for that purpose, and opposite to each name, the names, occupations and residences of the persons who have testified as above provided.

Records to be kept.

In every place where voters are registered, the registrars, in Boston the election commissioners, and in every place where oaths are administered as required by this chapter, the assessors, shall post in a conspicuous place a copy of sections four hundred and twenty and four hundred and twenty-two, printed on white paper with black ink, in type not less than one quarter of an inch wide.

Copies of sections prescribing penalties to be posted.

SECTION 21. The assessors shall hold such day and such evening sessions as shall be necessary to carry out the provisions of the two preceding sections.

Sessions of assessors.

SECTION 22. All assessments made in accordance with section nineteen shall be subject to the provisions of section seventy-four of chapter twelve of the Revised Laws

Assessments to be subject to R. L. 12, § 74.

and shall be entered in the tax list of the collector of taxes and be collected by him according to law.

Names, etc.,
of certain per-
sons to be
sent to
registrars or
election com-
missioners.

SECTION 23. The city or town clerk or registrar of deaths in each city or town shall, on the first day of every month, and also two days before every election, transmit to the registrars of voters a list of the names of all residents of such city or town of twenty-one years of age or upwards who died in the preceding month or since the date of the list previously transmitted, with a statement of the ward, street and number therein, if any, where such person resided at his death. The prison commissioners of Massachusetts, the penal institutions commissioner of Boston, the pauper institutions trustees of Boston, and the insane hospital trustees of Boston shall, ten days before every state election in Boston, transmit to the election commissioners of Boston the names of all male persons of twenty-one years of age or upwards who had a last known residence in Boston, and also ten days before every city election in that city, the names of all male and female persons of said age or upwards who had such residence and who, at said respective dates, are inmates of the institutions under their charge, respectively, except those whose terms of confinement expire before the date of such election. Such commissioners and trustees shall make diligent inquiry as to the age and residence of inmates of such institutions, and shall, in the case of those coming within the provisions of this section, transmit to the election commissioners the names and ages of such persons and their residences by street and number, wherever it is possible to do so. The election commissioners shall thereupon make a memorandum in red ink opposite the names of such of said persons as appear upon the voting lists, stating the institutions in which such persons are then confined, and copies of the voting lists containing such memoranda shall forthwith be sent by them to the election officers.

REGISTRARS OF VOTERS.

Registrars in
certain cities,
appointment,
term of office,
etc.

SECTION 24. In every city, except Boston, which, by vote of the city council, approved by the mayor, accepts the provisions of this section, or which has accepted the corresponding provisions of earlier laws, or which is now subject to similar provisions of law, there shall be a board

of registrars of voters consisting of four persons who shall be appointed by the mayor with the approval of the board of aldermen. When a board of registrars is first appointed after the acceptance of the provisions aforesaid, two registrars shall be appointed in March or April next succeeding such acceptance for terms respectively of three and four years, beginning with the first day of May next ensuing. The city clerk of such city shall cease to be a member of the board of registrars on such first day of May, but the remaining two members of the existing board of registrars of such city whose terms do not then expire shall continue to hold office for their respective terms of one and two years. In every year succeeding such first appointments, the mayor shall, in March or April, subject to the approval of the board of aldermen, appoint one person to be a registrar of voters for the term of four years, beginning with the first day of May next ensuing. The board of registrars so constituted shall annually in May before transacting any other business, elect one of its members as clerk, who shall perform all the duties required by law of a city clerk when acting as clerk of the board of registrars.

City clerk to
cease to be a
member, etc.

Clerk to be
elected.

SECTION 25. In every city except Boston which has not accepted the provisions of the preceding section or of corresponding provisions of earlier laws, and is not now subject to similar provisions of law, and in every town having three hundred voters, as provided in the following section, there shall be a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and, in a town, by a writing signed by the selectmen and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in March or April for terms respectively of one, two and three years, beginning with the first day of May next ensuing. In March or April in every year succeeding the original appointment, one registrar shall be appointed for the term of three years, beginning with the first day of May next ensuing.

Registrars in
certain cities
and towns,
appointment,
term of
office, etc.

SECTION 26. In every town having less than three hundred voters registered therein for the annual state election, the selectmen and the town clerk shall constitute a board of registrars of voters; but when three hundred voters shall

Registrars in
small towns.

be so registered, a board of registrars shall, in the succeeding year be appointed, as provided in the preceding section, and shall continue to perform the duties of registration therein until, for three successive years, the number of voters shall be less than three hundred, whereupon, on the first day of May following the annual state election in such third year, such board shall cease to exist and thereafter the selectmen and town clerk shall constitute a board of registrars of voters.

Registrars,
political representation.

SECTION 27. In the original and in each succeeding appointment and in the filling of vacancies, registrars of voters shall be so appointed that the members of the board shall, as equally as may be, represent the two leading political parties at the preceding state election, and in no case shall an appointment be so made as to cause a board to consist of more than two members who, including the city or town clerk, are of the same political party.

Equal representation to be preserved.

SECTION 28. If, upon written complaint to the mayor or to the selectmen, it shall appear, after notice and hearing, that the city or town clerk, when a member of the board of registrars, and two registrars are of the same political party, the mayor or selectmen, as the case may be, shall remove from office the one of such two registrars having the shorter term. If, upon like proceedings, it shall appear, after notice and hearing, that a registrar of voters, other than the city or town clerk, has ceased to act with the political party which he was appointed to represent, the mayor or selectmen, as the case may be, shall remove him from office.

Temporary vacancies.

SECTION 29. If a member of the board of registrars shall be disabled by illness or other cause from performing the duties of his office, or shall, at the time of any meeting of said board, be absent from the city or town, the mayor or the selectmen may, upon the request in writing of a majority of the remaining members of the board, appoint in writing some person to fill such temporary vacancy, who shall be of the same political party as the member whose position he is appointed to fill. Such temporary registrar shall perform the duties and be subject to the requirements and penalties provided by law for a registrar of voters.

Registrars,
oath of office,
compensation.

SECTION 30. The registrars and assistant registrars hereinafter provided for shall, before entering upon their

official duties, each take and subscribe an oath faithfully to perform the same. They shall receive such compensation for their services as the city council or selectmen may determine; but such compensation shall not be regulated by the number of names registered by them, and a reduction of compensation shall apply only to registrars appointed thereafter. The city council or selectmen shall provide office room for the registrars, and such aid as they may need. The city or town clerk, when a member of the board of registrars, shall act as clerk thereof, shall keep a full and accurate record of its proceedings and shall cause such notices as the registrars may require to be properly served or posted.

Office room,
etc., to be
provided.

SECTION 31. Each registrar shall, unless sooner removed, hold his office for the term for which he is appointed and until his successor is appointed and qualified.

Registrars,
term of office.

SECTION 32. A city council, except in the city of Boston, may authorize the registrars to appoint assistant registrars for the term of one year, beginning with the first day of October, unless sooner removed by the registrars, and they shall, as nearly as may be, equally represent the different political parties.

Assistant
registrars in
cities, except
Boston,
appointment,
etc.

SECTION 33. The registrars in a city authorizing the appointment of assistant registrars may cause the duties devolving upon a single registrar to be performed by one or two assistant registrars, and they may designate two assistant registrars, so far as practicable of different political parties, for the sessions required by law to be held outside of their principal office. The registrars shall make suitable regulations for the government of the assistant registrars, whose doings shall be subject to their revision and acceptance. Assistant registrars shall be subject to the same obligations and penalties as registrars. Registrars may remove an assistant registrar, and may fill any vacancy in the number of assistant registrars for the remainder of the term.

Powers and
duties, etc.

Registrars to
make regula-
tions, etc.

SECTION 34. No person shall be appointed a registrar or assistant registrar who is not a voter of the city or town for which he is appointed, who holds an office by election or appointment under the government of the United States or of the commonwealth, except as a justice of the peace, notary public, or an officer of the state militia, or who holds an office in the city or town for which he is appointed either

Registrars,
etc., not to
hold other
offices.

by election or by direct appointment of the mayor or of the selectmen. The acceptance by a registrar or assistant registrar of an office which he is prohibited from holding shall vacate his office as registrar or assistant registrar.

REGISTRATION OF VOTERS.

Rooms for
registration.

SECTION 35. Every city and town shall provide the registrars with suitable rooms in which to hold their official sessions.

Sessions of
registrars.

SECTION 36. The registrars shall hold such day and such evening sessions as the town by a by-law or the city by an ordinance shall prescribe, and such other sessions as they deem necessary.

Session to be
held preced-
ing first
primary or
caucus.

They shall hold at least one session at some suitable and convenient place in every city or town on or before the Saturday last preceding the first caucus or primary preceding the annual state election, to give an opportunity to qualified voters to register.

Sessions in
cities.

In cities, they shall hold a continuous session from twelve o'clock noon until ten o'clock in the evening on the twentieth day preceding the annual state election, and a like continuous session on the twentieth day preceding the annual city election.

Sessions in
towns.

In towns, they shall hold a continuous session from twelve o'clock noon until ten o'clock in the evening on the Saturday last but one preceding the annual state election, and a like continuous session on the Saturday last but one preceding the annual town meeting. In towns divided into voting precincts they shall, not more than twenty days before the annual state election and also not more than twenty days before the annual town meeting, but in each case on or before the last day fixed for registration, hold at least one session at some suitable place within the limits of each voting precinct. In towns not divided into voting precincts, they shall, not more than twenty days before the annual state election and also not more than twenty days before the annual town meeting, but in each case on or before the last day fixed for registration, hold sessions in one or more suitable places. If, in any such town ten or more voters residing in or near a village or locality distant two or more miles from the usual place of registration shall, not less than eighteen days before the annual state election or the annual town meeting, file a petition

Sessions to be
held in certain
villages or
localities upon
petition.

with the town clerk stating that in such village or locality there are at least ten citizens who are entitled and desire to be registered, the registrars shall hold a session at some suitable place in such village or locality before the last day fixed for registration. The time and place of registration shall be the same for male and female applicants.

SECTION 37. In every city, registration shall cease at ten o'clock in the evening on the twentieth day preceding the annual state election, and at ten o'clock in the evening on the twentieth day preceding the annual city election. In every town, registration shall cease at ten o'clock in the evening on the Saturday last but one preceding the annual state election, and at ten o'clock in the evening on the Saturday last but one preceding the annual town meeting.

When registration shall cease.

SECTION 38. The registrars shall, in some suitable place, hold a continuous session from twelve o'clock noon until ten o'clock in the evening, on the fourth day, or in Boston on the seventh day, preceding a special election. Registration shall cease at ten o'clock in the evening of the day on which such session is held.

Registration for special elections.

SECTION 39. If the final day for registration of voters falls on Sunday or on a holiday, the day preceding such Sunday or holiday shall be the final day for such registration.

Registration when final day falls on Sunday or a holiday.

SECTION 40. Any registrar may, at a place appointed for registration, on the days and during the hours designated for the purpose, receive applications for registration and examine applicants and witnesses under oath; but all doings of one registrar shall be subject to the revision and acceptance of the board.

Any registrar may examine applicants, etc.

SECTION 41. The registrars shall not, after ten o'clock in the evening of a day on which registration is to cease, register any person as a voter until after the next election, but they may enter or correct upon the registers the names of persons whose qualifications as voters have been examined between the preceding thirtieth day of April and the close of registration. They shall, in every case, require the vote by virtue of which such entry or correction is made to be attested by their clerk.

Not to enter names on registers after close of registration, except, etc.

SECTION 42. They shall post or publish notices stating the places and hours for holding all sessions, the final sessions preceding any election, and that after ten o'clock in the evening of the last day fixed for registration they will

Notices of sessions for registration, etc.

not, until after the next election, add any name to the registers except the names of voters examined as to their qualifications between the preceding thirtieth day of April and the close of registration.

Records to be kept in general register.

SECTION 43. They shall keep in general registers, records of all persons, male and female, registered as qualified to vote in the city or town. They shall enter therein the name of every such voter written in full, or instead thereof the surname and first Christian name or that name by which he is generally known, written in full, and the initial of every other name which he may have, and also his age, place of birth and residence on the preceding first day of May or at the time of becoming an inhabitant of the city or town after said day, the date of his registration and his residence at such date, his occupation and the place thereof, the name and location of the court which has issued to him letters of naturalization and the date thereof, if he is a naturalized citizen, and any other particulars necessary fully to identify him.

Blank books to be furnished.

The general registers shall have uniform headings in substantially the following form, and blank books suitable for the purpose shall be provided by the secretary of the commonwealth, at cost, to registrars applying for them.

Form.

When Registered.	Name.	Signature of Applicant.	Residence May 1, or Subsequent Date.	Age.	Place of Birth.	Occupation.	Place of Occupation.	Minutes of Naturalization, Court Issuing Letters and Date of Naturalization.	Residence at Date of Registration.	Remarks.

Annual register, entries, arrangement, etc.

SECTION 44. The registrars shall, after the first day of May, prepare an annual register containing the names of all qualified voters in such city or town for the current year, beginning with such first day of May. Such names shall be arranged in alphabetical order, and, opposite to the name of each voter, his residence on the preceding first day of May or on any subsequent day when he became an inhabitant of the city or town. The registrars shall enter in the annual register every name contained in the lists of persons assessed for a poll tax for the current year, as transmitted to them by the assessors, giving, as the resi-

dence of each person on the first day of May, the place at which he was assessed a poll tax; and likewise the name and residence, as aforesaid, of every woman voter whose name is contained in the list of women voters transmitted to them, as provided in section sixteen: *provided*, that in every case they are able to identify the name so transmitted to them as that of a man or woman whose name was borne on the voting list of such city or town at the last preceding election or town meeting. They shall make all inquiries and investigations necessary to identify such person, and they shall not enter in the annual register the name of a person objected to by any registrar until such person has been duly notified and given an opportunity to be heard by them. They shall forthwith enter in the annual register the name of every person whose qualifications as a voter have been determined by them in the current year and whose name has accordingly been entered in the general register. They shall annually, before the first day of May, transmit to the assessors a list of the women whose names are contained upon the register of voters, with their residences, as they appear on the register of the preceding year.

Proviso.

Registrars to make inquiries, investigations, etc.

To transmit to assessors lists of women voters, etc.

SECTION 45. Every person, male or female, whose name has not been entered in the annual register in accordance with the preceding section must, in order to be registered as a voter, apply in person for registration and prove that he is qualified to register.

Registration, personal application necessary in certain cases.

SECTION 46. Every male applicant for registration, except in Boston, whose name has not been transmitted to the registrars as provided in section sixteen shall present a tax bill or notice from the collector of taxes, or a certificate from the assessors showing that he was assessed as a resident of the city or town on the preceding first day of May, or a certificate that he became a resident therein at least six months preceding the election at which he claims the right to vote, and the same shall be *prima facie* evidence of his residence. In Boston every such applicant whose name has not been transmitted to the election commissioners as provided by law shall present a certificate from the listing board as provided by law, and the same shall be *prima facie* evidence of his residence.

Male applicant to present tax bill or certificate, etc.

SECTION 47. The registrars shall examine under oath an applicant for registration relative to his qualifications as a voter, and shall, unless he is prevented by physical

Applicants for registration to be examined under oath, etc.

Registrars to be provided with constitution slips.

Applicant to read from slip drawn from box.

No person to be registered who fails to read slip, etc.

Registration of naturalized citizens.

Registration of minors.

Applicants to be notified of rejection, etc.

disability, or unless he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, require him to write his name in the general register and to read in such manner as to show that he is neither prompted nor reciting from memory. Registrars shall be provided by the secretary of the commonwealth with a copy of the constitution of the commonwealth printed on uniform pasteboard slips, each containing five lines of said constitution printed in double small pica type. The registrars shall place said slips in the box provided by the secretary of the commonwealth, which shall be so constructed as to conceal them from view. Each applicant shall be required to draw one of said slips from the box and read aloud the five lines printed thereon, in full view and hearing of the registrars. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by a registrar before another drawing is made. No person failing to read the constitution as printed on the slip thus drawn shall be registered as a voter. The registrars shall keep said slips in said box at all times. The secretary of the commonwealth shall upon request provide new slips to replace those worn out or lost.

SECTION 48. If an applicant for registration is a naturalized citizen, the registrars shall require him to produce for inspection his papers of naturalization, and to make oath that he is the identical person named therein, and shall, if satisfied that the applicant has been legally naturalized, make upon his papers a memorandum of the date of such inspection. If papers of naturalization have once been examined and record thereof made in the general register, the registrars need not again require their production.

SECTION 49. If, upon examination, the registrars are satisfied that an applicant for registration has all the qualifications of a voter, except that of age, and that he will on or before the day of the next election or town meeting, attain full age, they shall place his name upon the registers.

SECTION 50. If the registrars decline to register the name of a person examined for registration and reported to them therefor by a registrar, they shall notify him of their refusal, and give him a reasonable opportunity to be

heard by them upon his application. They shall upon the rejection of an applicant forthwith inform him of such rejection.

SECTION 51. The registrars shall, from time to time, revise and correct the general register and the current annual register in accordance with any facts which may be presented to them. They shall strike therefrom the name of every deceased person which has been transmitted to them by the city or town clerk or the registrar of deaths in accordance with section twenty-three; but after the name of a voter has been placed upon the current annual register, they shall not change the place of residence as given thereon, nor, unless the voter has deceased, strike such name therefrom, until they have sent him a notice of their intention so to do and that he may be heard on a certain day named therein.

Revision and correction of registers.

SECTION 52. If a registered voter complains to the registrars or election commissioners, in writing under oath in a city fourteen days at least, or in a town four days at least, before an election or town meeting, that the complainant has reason to believe and does believe that a certain person by him therein named has been illegally or incorrectly registered, and setting forth the reasons for such belief, the registrars or election commissioners shall examine into such complaint, and if satisfied that there is sufficient ground therefor, they shall summon the person complained of to appear before them at a certain place and time before the next election or town meeting to answer to the matters set forth in the complaint, and the substance of the complaint and a copy of this and the following section shall be set forth in the summons. Service of the summons shall be made by an officer qualified to serve civil or criminal process, not more than fourteen nor less than two days before the day named for appearance, by delivering in hand a copy of the summons to the person therein summoned, or by leaving it at the place of alleged illegal or incorrect registration, if no later residence of such person appears on the register, and in that event at such later residence if the officer finds that such person resides at such place or later residence, as the case may be, or if he was formerly there and has changed his residence, then by leaving it at the place to which he has moved, if it is within the officer's jurisdiction and can be

Illegal or incorrect registration.

Service of summons.

ascertained by inquiry at such place or later residence; but if the officer cannot make personal service, and cannot ascertain the residence of the person complained of, the copy of the summons shall be left at such person's last residence, if any, known to the officer within his jurisdiction; and the officer shall return the summons to the registrars or election commissioners before the day named for appearance, with the certificate of his doings indorsed thereon.

Examination
of persons,
etc.

SECTION 53. If a person summoned before the registrars or election commissioners to answer to such complaint appears before them, they shall examine him under oath, and shall receive other evidence which may be offered in regard to the matters set forth in the complaint, and if satisfied that he is properly registered as a qualified voter they shall enter in the register a statement of their determination upon the facts required for registration. If the registrars or election commissioners are satisfied that he is not a qualified voter in the city or town, they shall strike his name from the register. If they are satisfied that, although he is a qualified voter in the city or town, he is illegally or incorrectly registered in a ward or voting precinct other than the ward or voting precinct in which he is required to be registered as provided in section fourteen, and are satisfied as to which ward or voting precinct he is so required to be registered in, and as to his place of residence in such ward or voting precinct, they shall change his place of residence as given on the register accordingly. If a person duly summoned as aforesaid does not appear as directed in the summons, the complainant shall produce sufficient testimony to make out a prima facie case, and if this is done the name of the person complained of shall be stricken from the register; but if such person appears before the registrars or election commissioners before the election or town meeting next ensuing and shows sufficient cause for his failure earlier to appear, the hearing shall be reopened and the matter decided on its merits, as determined from the evidence presented on both sides. The complainant and the person complained of may be represented by counsel, and all witnesses may be cross-examined.

Notice of
error to be
transmitted
to assessors.

SECTION 54. The registrars shall promptly transmit to the assessors of the city or town notice of every error which they shall discover in the name or residence of a

person assessed therein. The provisions of this section shall not apply to Boston.

SECTION 55. The registrars or election commissioners shall perform their duties in open session, and not secretly. They shall distinctly announce the name of every applicant for registration before entering his name on the general register. Their records shall at suitable times be open to public inspection.

Sessions for registration, and records to be open to public.

SECTION 56. All written complaints and certificates received by the registrars, or election commissioners, and all other documents in their custody relative to registration, shall be preserved by them for two years after the respective dates thereof.

Documents to be preserved for two years.

SECTION 57. A registrar or election commissioner shall have authority to enforce regularity in all proceedings before him, and to maintain order in and about the place where a session is held, or applications for registration are received, and to keep the access thereto open and unobstructed.

Maintenance of order, etc.

SECTION 58. The board of police or officer in charge of the police force of a city or town shall, when requested by the registrars or election commissioners, detail a sufficient number of police officers to attend any meeting held by a registrar in the performance of his duties, and to preserve order and enforce his directions.

Police officers at meetings.

SECTION 59. The governor, with the advice and consent of the council, shall, on the petition of not less than ten qualified voters of a city or town, appoint for a term of one year, two supervisors of registration for each place of registration therein, one from each of the two leading political parties. They shall attend all sessions or meetings for registration held at the places for which they are appointed, and either of them may attach to any book or papers there used for purposes of registration any statement touching the truth or fairness of the proceedings which he may deem proper, and may add thereto his signature or other marks for the purpose of identification.

Supervisors of registration, appointment, etc.

VOTING LISTS.

SECTION 60. Registrars or election commissioners shall, from the names entered in the annual register of voters, prepare voting lists for use at the several elections to be held therein. In such voting lists, they shall place the

Voting lists, contents, arrangement, etc.

names of all voters entered on the annual register, and no others, and opposite to the name of each, his residence on the preceding first day of May or at the time of his becoming an inhabitant of such place after said day, and in Boston the age of each male voter therein. They shall enter the names of women voters in separate columns or lists. In cities, they shall prepare such voting lists by wards, and if a ward or a town is divided into voting precincts, they shall prepare the same by precincts, in alphabetical order, or by streets, except that in Boston, the voting lists shall be prepared by streets. In all wards within any Suffolk senatorial district, except in Boston and Chelsea, the registrars shall, annually after the closing of registration and before the annual state election, make, by wards or precincts, as the case may be, street lists of voters to be used as the voting list at elections. Names shall be added thereto or taken therefrom as persons are found qualified or not qualified to vote. The said lists shall be in the following form:—

Street lists in wards within certain Suffolk senatorial districts.

Form.				Street.		
NAME OF VOTER.	Residence, Number or Other Designation, May 1, of the Year of Election.	Length of Residence in City.	PERSONAL DESCRIPTION.			
			Age.	Height.	Weight.	

Names of certain voters to be placed at end of list.

SECTION 61. They shall place at the end of the voting lists of each ward, voting precinct or town to be used at a state election, under a proper heading, the names of all persons who, by changes in city or town boundaries, are not entitled to vote for the whole number of officers to be chosen.

Posting of voting lists.

SECTION 62. They shall, at least twenty days before the annual city or town election, and in every place except Boston, at least thirty days before the annual state election, and in Boston, except in the years designated for preparing new general registers, twenty-four days at least before the annual state election, cause copies of the voting lists prepared in accordance with the two preceding sections to be posted in their principal office and in one or more other public places in the city or town, and in each precinct therein.

SECTION 63. After the voting lists have been posted, registrars shall, within forty-eight hours after a new name has been added to the annual register, cause it to be added to the lists posted in their principal office. If a city or town shall authorize the registrars to publish the names added to the register, they may, instead of posting them, cause all additional names to be printed in a newspaper published in the city or town, if any, otherwise in a newspaper published in the county in which such city or town is situated. In the years designated for preparing new general registers in Boston, the election commissioners shall as often as once in each week during the period of such general registration cause to be printed in some newspaper published in said city such names, as near as may be, as shall have been placed upon the general registers during the six days last preceding the date of such publication.

Additional names to be posted or published.

SECTION 64. Registrars shall, on the day of an election, give to a voter whose name has been omitted from the voting list, or in whose name or residence, as placed on the voting list, a clerical error has been made, a certificate of his name and residence, as stated on the annual register, signed by the registrars or a majority of them. On presentation thereof to the presiding election officer of the ward, voting precinct or town in which the voter was registered, he shall be allowed to vote, and his name shall be checked on the certificate, which shall be attached to and considered a part of the voting list and returned and preserved therewith.

Certificate to be given in case of omission or error.

Proceedings at polls.

SECTION 65. They shall, before every election and meeting in a city or town at which voting lists may be required to be used, prepare voting lists for each ward, voting precinct or town in which such election or meeting is to be held, containing the names and residences of all persons qualified to vote therein, as the same appear upon the annual register, and they shall seasonably transmit the same to the election officers in every such precinct, ward or town. Such voting lists shall be in duplicate for all elections and meetings at which duplicate lists are required to be used. In Boston a copy of the voting list for each precinct required to be made by section eighty-six shall also be furnished by the board of election commissioners at each primary and at each election to the warden in charge of each polling place for the use of the

Voting lists for use at polls.

To be in duplicate.

In Boston copy to be furnished for use of police officer.

police officer in such polling place. Said list shall not be removed from the polling place and shall be returned to the warden immediately after the close of the polls, and he shall immediately transmit the same to the board of election commissioners according to the provisions of section two hundred and seventy-two.

Returns of
assessed polls,
registered
voters, etc.

SECTION 66. They shall forthwith, after the final day for registration before an annual state, city or town election, certify to the secretary of the commonwealth the number of assessed polls, the number of registered male and female voters in the city or town, and in each ward and precinct therein, and the number of persons who by law are entitled to vote for a part only of the whole number of officers to be chosen at a state election in such city or town and in each ward and precinct therein, with the titles of the officers for whom such persons are entitled to vote.

In cities
where city
clerk is not a
member of
board of
registrars.

In cities in which the city clerk is not a member of the board of registrars, the registrars shall likewise, after the last day for registration for a city election, certify to the city clerk the number of registered male and female voters in the city, and in each ward and voting precinct therein.

Voting list for
use at caucus.

SECTION 67. When a caucus is called the registrars shall, on request of the chairman of the ward or town committee of the party whose caucus is to be held or of the person designated to call the caucus to order, furnish him for use in the caucus a certified copy of the voting list of the town, or of the ward of the city for which the caucus is to be held, as last published, adding thereto the names of voters registered since such publication.

List of voters
before a re-
division of a
city into
wards, etc.

SECTION 68. The registrars in every city, after the annual city election in the year nineteen hundred and fourteen, and in every tenth year thereafter, shall, for the purpose of furnishing to the city council and the board of aldermen the information necessary for a new division of the city into wards and voting precincts, deliver to the city clerk before the tenth day of February then next ensuing a list of all male voters therein who were registered for such city election, which shall be so arranged as to show the number of such voters residing in each lot or block surrounded by streets within the limits of such city or within any other subdivision thereof, which the city council or board of aldermen may, before the first

day of February, designate. The registrars shall likewise in any other year, upon request of the board of aldermen, furnish, for the purpose of dividing the ward into voting precincts, a list of the male voters of any ward in the city, arranged as aforesaid.

LISTING AND REGISTRATION OF VOTERS IN BOSTON.

SECTION 69. In Boston there shall be a listing board composed of the police commissioner of said city and one member of the board of election commissioners, who shall annually be appointed by the mayor, without confirmation by the board of aldermen, for the term of one year and who shall belong to that one of the two leading political parties of which said police commissioner is not a member. In case of disagreement between the two members of said board, the chief justice of the municipal court of the city of Boston, or, in case of his disability, the senior justice of said court who is not disabled, shall for the purpose of settling such disagreement be a member of said board and shall preside and cast the deciding vote, in case of a tie.

Listing board in Boston, how constituted.

SECTION 70. The listing board shall, within the first seven week days of May in each year, by itself or by police officers subject to the jurisdiction of the police commissioner, visit every building in said city, and after diligent inquiry make true lists, arranged by streets, wards and voting precincts, and containing as nearly as the board can ascertain, the name, age, occupation and residence on the first day of May in the current year, and the residence on the first day of May in the preceding year, of every male person, twenty years of age or upwards, who is not a pauper in a public institution, residing in said city. Said board shall designate in such lists all buildings used as residences by such male persons, in their order on the street where they are located, by giving the number or other definite description of every such building so that it can be readily identified, and shall place opposite the number or other description of every such building the name, age and occupation of every such male person residing therein on the first day of May in the current year, and his residence on the first day of May in the preceding year. The board shall also inquire at the residences of the women voters whose names are contained in the list

To make lists of male persons, etc.

Buildings used as residences to be designated, etc.

To make lists of women voters.

transmitted to them by the election commissioners under section seventy-six whether such women voters are resident thereat, and shall thereupon make true lists of the women voters found by them.

Names of informants to be given, etc.

The board shall place in such lists, opposite the name of every such male person or woman voter, the name of the inmate, owner or occupant of the building, or the name and residence of any other person, who gives the information relating to such male person or woman voter. Where such information is given by one person relating to more than one such male person or woman voter residing in one building, ditto marks may be used in such lists under the name of the person giving the information, after his name has been once placed opposite the name of such male person or woman voter first written down as residing in such building.

To correct errors in lists, etc.

The board shall, upon the personal application of a person listed either upon the original or supplementary lists for the correction of any error in their lists, or whenever informed of any such error, make due investigation, and upon proof thereof correct the same on their original or supplementary lists, and shall immediately notify the election commissioners of such correction, who shall correct their copies of said lists accordingly and proceed to revise and correct the registers under the provisions of section fifty-one. The board shall cause all applications and affidavits received by them under this section to be preserved for two years.

Applications, etc., to be preserved for two years.

To transmit copies of lists to election commissioners, etc.

SECTION 71. The board shall, on or before the eighteenth day of May in each year, transmit to the election commissioners certified copies of those parts of the lists prepared as provided in the preceding section, containing the name, age, occupation and residence on the first day of May in the current year, and the residence on the first day of May in the preceding year, of every male person, twenty years of age or upwards, residing in said city, and shall promptly transmit to the election commissioners notice of every addition to and correction in the lists made by them. The board shall furnish all information in its possession necessary to aid the election commissioners in the performance of their duties.

To prepare printed copies of lists, etc.

SECTION 72. The board shall, on or before the first day of July in each year, prepare printed copies of the lists

prepared for the use of the election commissioners. The board shall print such lists in pamphlet form by precincts, deliver to the election commissioners as many copies thereof as they may require and hold the remaining copies for public distribution.

SECTION 73. If a male person, twenty years of age or upwards, resident in Boston on the first day of May, was not listed by the board, he shall, in order to establish his right to be listed, appear before a member of the board, the superintendent, a deputy superintendent or an inspector of police, who are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he was on said day a resident of said city, giving his name, age, occupation and residence on the first day of May in the current year, and his residence on the first day of May in the preceding year.

Listing of persons not previously listed.

A male person, twenty years of age or upwards, who becomes a resident of said city after the first day of May, and desires to be listed, shall appear before a member of the board, the superintendent, a deputy superintendent or an inspector of police, who are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he became a resident of said city at least six months immediately preceding the election at which he claims the right to vote, giving his name, age, occupation and residence on the above date, and his residence on the first day of May in the preceding year.

Certain persons desiring to be listed to present a statement in writing, etc.

If the board, after investigation, is satisfied that such statements are true, it shall give such applicant a certificate that he was a resident of said city on said first day of May, or a certificate that he became a resident at least six months immediately preceding such election, as the case may be, which certificate shall state his name, age, occupation and residence on the first day of May in the current year or on the above date, as the case may be, and his residence on the first day of May in the preceding year; but no such application shall be received later than the first day of September, and no such person shall be listed or be given such certificate later than the twentieth day of September.

Certificate to be given in certain cases, etc.

In every place where oaths are administered for the purpose of listing the board shall post in a conspicuous place a copy of section four hundred and twenty, printed

Applications not to be received later than Sept. 1, etc.

To post in place where oaths are administered copy of section 420.

on white paper with black ink, in type not less than one quarter of an inch wide.

Record of applications, etc., to be kept.

Names and residences of applicants to be printed.

Office of police commissioner to be kept open during certain hours.

Election commissioners to prepare annual register of voters.

Proviso.

To make necessary inquiries and investigations, etc.

SECTION 74. The board shall enter the date of application, the name, age, occupation and residence on the first day of May in the current year and the residence on the first day of May in the preceding year, of every such applicant, as above provided, together with the result of its investigation of his application, in a book provided for that purpose, which shall be open for public inspection. Said board shall cause to be printed in some newspaper published in Boston, the name and residence of every such applicant. The names and residences of such applicants shall be printed by wards and precincts within two days after the number of names of such applicants, not printed, reaches fifty; and on the day when such number is reached, the names to be printed within such two days shall include the names of all such applicants up to the close of business for this purpose in the office of the board on such day.

SECTION 75. The police commissioner shall have his office open during such hours as shall be necessary to carry out the provisions of the two preceding sections.

SECTION 76. The election commissioners shall, after the first day of May in each year, prepare an annual register containing the names of all qualified voters in Boston for the current year, beginning with such first day of May. Such names shall be arranged by wards and precincts and, opposite the name of each voter, shall be entered his residence on the preceding first day of May or any subsequent day when he became a resident of said city. The election commissioners shall enter in the annual register every name contained in the lists, for the current year, of persons transmitted to them by the listing board, giving, as the residence of each person on the first day of May, the place at which he was listed by said board; and likewise the name and residence, as aforesaid, of every woman voter whose name is contained in the list of women voters transmitted to them under this act: *provided*, that in every case they are able to identify the name so transmitted as that of a man or woman whose name was borne on the voting list of said city at the last preceding election. They shall make all inquiries and investigations necessary to identify such person, and they shall not enter in the annual register the name of a person

objected to by any commissioner, until such person has been duly notified and given an opportunity to be heard by them, and shall have appeared and satisfied them of his right to have his name so entered. They shall forthwith enter in the annual register the name of every person whose qualifications as a voter have been determined by them in the current year and whose name has accordingly been entered in the general register. They shall, before the first day of May in each year, transmit to the listing board a list of the women voters whose names are contained upon the register of the preceding year, with their residences, as they appear on said register.

To transmit list of women voters to listing board.

SECTION 77. Every person, male or female, whose name has not been entered in the annual register in accordance with the preceding section, must, in order to be registered as a voter, apply in person for registration and prove that he is qualified to register.

Applicants for registration to apply in person, etc.

SECTION 78. The election department of Boston shall be under the charge of a board of election commissioners consisting of four citizens and voters of Boston who shall be appointed by the mayor without confirmation by the board of aldermen; and chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five, and all other acts relating to departments of Boston or the officers and employees thereof, not inconsistent herewith, shall be applicable to said department and the officers and employees thereof.

Election commissioners of Boston, appointment, etc.

SECTION 79. Said board shall be so selected that two members shall always belong to each of the two leading political parties; and one member shall annually be appointed for the term of four years, beginning with the first day of May in the year of his appointment. The mayor shall annually, on or before the first day of May, designate one member as chairman for the year beginning with said day, and may, after notice and hearing, remove any member for cause. The chairman of said board shall receive an annual salary of four thousand dollars, and each of the other commissioners three thousand five hundred dollars, or such other salary as the city council may by ordinance prescribe.

Political representation, compensation, etc.

SECTION 80. Said board shall annually, between the first day of May and the first day of October, appoint assistant registrars of voters, not exceeding four for each

To appoint assistant registrars of voters.

ward, who shall hold office for the term of one year, beginning with the first day of October, unless sooner removed by the election commissioners, and who shall equally represent the two leading political parties.

To constitute the Boston ballot law commission, etc.

SECTION 81. Said board shall constitute the Boston ballot law commission, and shall in all matters relating to objections and questions arising in the case of nominations of candidates for city offices have the powers and perform the duties prescribed for the ballot law commission of the commonwealth; and when sitting as such, the chief justice of the municipal court of the city of Boston, or in case of his disability the senior justice of said court who is not disabled, shall be a member of said board and shall preside, but shall not vote unless the other commissioners are equally divided; and in every other matter in which the commissioners are equally divided said chief justice shall act with them and shall cast the deciding vote.

To make a new general register of voters in certain years, etc.

SECTION 82. Said board shall, between the fifteenth day of June and the first day of October in the year nineteen hundred and eight, and in every twelfth year thereafter, make a new general register of the qualified male voters, which shall be prepared in the manner provided by law for preparing general registers. Changes may be made therein on account of illegal registration, and after the year in which it is made, all laws relating to general registers of voters shall be applicable thereto, and the annual registers and voting lists of said city shall be prepared therefrom in the manner provided by law for preparing annual registers and voting lists in cities. Until the first day of September of the years designated for preparing new general registers, voters may be registered at the central registration office; and during September said board shall keep open one or more places for registration in each ward, as it shall deem sufficient, where, with the central registration office, registration shall be made daily from eight o'clock in the forenoon to ten o'clock in the afternoon, except on Sunday. In such years of general registration said board may appoint, so as equally to represent the two leading political parties, such additional assistant registrars as in its judgment may be necessary.

Registration of voters.

Additional assistant registrars may be appointed.

Books for the registration of voters to be prepared, etc.

SECTION 83. Said board shall prepare books for the registration of the male voters and the general register

of voters, and the books so prepared shall constitute the general register of voters in said city. Said books shall be in the following form:—

											Street.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	Form.
Date of Application for Registration.	No. of Residence or Other Designation, May 1 of the Year of Application.	Name.	Signature.	Length of Residence in City.	Occupation.	Place of Occupation.	Place of Birth.	Court of Naturalization.	Date of Naturalization Papers.	PERSONAL DESCRIPTION.		Present Residence.
										Age.	Height.		Weight.

Under the several headings, there shall be entered as follows:

One, The day, month and year when the applicant is adjudged a qualified voter.

Two, The name of the applicant and the number on the street, place or other location of his dwelling on that day, or if there is no number, such clear and definite description of the place of said dwelling that it can be readily ascertained; if more than one family resides in said dwelling, the floor on which the applicant resides; and if there is more than one house at the number given by the applicant, in which one of them he resides.

Three, The full surname and the Christian name of the applicant, or the name by which he is generally known, and the initial of every other name which he may have.

Four, The applicant shall write his name on a line with the statements herein set forth.

Five, The number of months or years which the applicant states that he has lived in said city.

Six, A full statement of his occupation.

Seven, The place of his occupation.

Eight, The name of the city or town, county and state, country, kingdom, empire or dominion where he was born.

Nine, The designation of the court where the applicant, if he was an alien, was naturalized.

Ten, The date of such naturalization.

Eleven, The age, approximate height and weight of the applicant.

Twelve, The residence of the applicant at the date of registration.

The names of all voters residing in the same dwelling shall be placed together.

Sessions of
board of elec-
tion commis-
sioners for
registration.

SECTION 84. Said board shall hold such day sessions as the city may by ordinance prescribe, and such additional sessions as they shall deem necessary. They shall, in any event, hold in or near each ward in said city not less than ten evening sessions, each of at least three hours' duration, between the first day of September and the close of registration before the annual state election, and the same number of like sessions between the annual state election and the close of registration before the annual city election. They shall also hold at their principal office a continuous session from nine o'clock in the morning until ten o'clock in the evening on the twentieth day preceding the annual state election, and a like continuous session on the twentieth day preceding the annual city election, and a continuous session from twelve o'clock noon until ten o'clock in the evening on the seventh day preceding a special election.

Applicants for
registration to
be examined
under oath,
etc.

SECTION 85. An election commissioner or assistant registrar of voters shall, at the times and places fixed for registering voters, examine under oath each applicant for registration as to his qualifications as a voter, and, if satisfied that the applicant is a qualified voter, shall immediately, in the presence of the applicant, enter in the proper columns of said register the information required by section eighty-three, according to the statements of the applicant; and if at any time prior to an election the board shall be of opinion that there is an error in such information, after giving notice to the person by mail, by special delivery, that he may be heard on a certain day named therein, it may on said day re-examine said information and correct such error, if any. No person shall, except as provided in section forty-four, have his name entered upon such register unless he personally appears before said board or one member thereof or an assistant registrar and is found qualified to be registered as a voter; and if the person is a naturalized citizen, he shall produce his naturalization papers or a certified copy of the record thereof for inspection, and make oath that he is the person named therein. But if there is a record in the

office of said board made in the year eighteen hundred and ninety-six, or subsequent thereto, that the naturalization papers of the applicant have once been produced and examined, they need not be again produced.

SECTION 86. Said board shall annually after the close of registration and before the annual state election make, by precincts, from the annual register, street lists of the voters to be used as the voting lists at elections. Each list shall contain not less than two hundred names, and names shall be added to or taken therefrom, as persons are found qualified or not qualified to vote. Said lists shall be in the following form: —

Street lists of registered voters to be made.

Street.					
NAME OF VOTER.	Residence, Number, or Other Designation, May 1, of the Year of Election.	Length of Residence in City.	PERSONAL DESCRIPTION.		
			Age.	Height.	Weight.

Form.

SECTION 87. Said board shall, prior to the annual state election and prior to the annual city election, prepare in pamphlet form, not less than fifty copies of each voting list, omitting therefrom everything except the name and residence of the voters, and shall distribute said copies as they may deem best.

Pamphlet copies of voting lists.

SECTION 88. Every person upon applying to vote shall, when requested by any election officer, write his name in a book prepared for the purpose unless the voter declares under oath to the presiding officer that he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven and cannot write, or that by reason of blindness or other physical disability he is unable to write.

Voter to write his name upon request.

PART 2.

POLITICAL COMMITTEES.

SECTION 89. Each political party shall annually elect a state committee, the members of which shall hold office for one year from the first day of January next following their election and until their successors shall have organ-

State committees, election, term, etc.

ized. Said committee shall consist of at least one member from each senatorial district, who shall, except in the Suffolk senatorial districts, be elected at the convention held for the nomination of a candidate for senator to be voted for in said district at the annual state election. The members of said committee for the Suffolk senatorial districts shall be elected by direct plurality vote in caucuses or primaries and the person who in the aggregate of all the ballots cast at all such caucuses or primaries in each district for such members shall receive the highest number of such votes shall be the member elected.

Organization.

The members of the state committee shall, in January, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as they may decide to elect.

Lists of members and officers to be filed.

The secretary of the state committee shall, within ten days after such organization, file with the secretary of the commonwealth, and send to each city and town committee, a list of the members of the committee and of its officers.

Vacancies.

A vacancy in the office of chairman, secretary or treasurer of the committee or in the membership thereof shall be filled by the committee, and a statement of any such change shall be filed as in the case of the officers first chosen.

Ward and town committees, election, term, etc.

SECTION 90. Each political party shall, in every ward and town, annually elect a committee to be called a ward or a town committee, to consist of not less than three persons, who shall hold office for one year from the first day of January next following their election and until their successors shall have organized.

City committee.

The members of the several ward committees of a political party in a city shall constitute a committee to be called a city committee.

City and town committees, organization.

Each town committee shall annually, between the first day of January and the first day of March, and each ward and city committee shall, within thirty days after the beginning of its term of office, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as it may decide to elect.

Lists of officers and members to be filed.

The secretary of each city and town committee shall, within ten days after its organization, file with the secretary of the commonwealth, with the city or town clerk

and with the secretary of the state committee of the political party which it represents, a list of the officers and members of the committee.

A vacancy in the office of chairman, secretary or treasurer of a city, ward or town committee shall be filled by the committee, and a vacancy in the membership of a ward or town committee shall be filled by such committee, and a statement of any such change shall be filed as in the case of the officers first chosen. Vacancies.

SECTION 91. Upon a re-division of a city into wards, any political party may in the next succeeding calendar year elect its ward committees for such terms, not exceeding the length of the terms for which the former committees were chosen, as the city committee existing at the time of calling the caucuses may determine, and thereafter shall elect such committees at the times and for the terms prescribed by law. The caucuses for the choice of such ward committees shall be called by the city committee in existence at the time, and shall be subject to such reasonable notice as said city committee shall determine. Ward committees in case of a re-division of a city into wards.

SECTION 92. Committees of any party existing at the time when such party at an annual state election first polls for governor three per cent of the entire vote cast in the commonwealth for that office shall be deemed to be organized under these provisions. Organization of existing committees.

SECTION 93. A state, city or town committee may make rules and regulations, not inconsistent with law, for its proceedings and relative to caucuses called by it, and may fix the number of persons of whom it shall consist, which number shall be announced in the call for the meeting at which they are to be chosen. Each city or town committee may make reasonable regulations, not inconsistent with law, to determine membership in the party, and to restrain persons not entitled to vote at caucuses from attendance thereat or taking part therein. But no political committee shall prevent any voter from participating in a caucus of its party for the reason that the voter has supported an independent candidate for political office. Committees may make rules and regulations, etc.

PROVISIONS APPLYING TO ALL CAUCUSES OF POLITICAL
PARTIES.

Nominations,
etc., by
caucuses.

SECTION 94. Except as provided in this chapter, no caucus or meeting shall be entitled to nominate a candidate for public office whose name shall be placed on the official ballot, to elect delegates to a political convention for the nomination of such candidate, to elect delegates to conventions held for the election of delegates to national conventions for the nomination of candidates for president and vice president of the United States, or to choose a political committee.

Certain nominations not
to be made by
caucuses.

SECTION 95. No nomination of a candidate to be voted for in an electoral district or division containing more than one town or more than one ward of a city, shall be made by caucuses, except as provided in section one hundred and sixty-six of this chapter.

Certain caucuses to be
held on a day
designated by
the state committee.

SECTION 96. All caucuses of political parties, except primaries and for special elections, for the choice of delegates to political conventions which nominate candidates to be voted for at the annual state election, and for the nomination of candidates to be voted for at such election, shall be held throughout the commonwealth on a day designated by the state committee of the political party for which said caucuses are held; and all of said delegates shall be elected, and all of said candidates shall be nominated, at one caucus: *provided*, that in the county of Suffolk such caucuses shall be held on the sixth Tuesday preceding the election. Such caucuses shall be held at the call of the state committee of the political party whose caucuses are to be held, and the chairman and secretary of the state committee of each political party shall, at least twenty-one days before the date on which the caucuses are to be held, forward a copy of the call, with designation of date, to the chairman and secretary of each city and town committee of their party.

Proviso.

Calling of
caucuses.

Caucuses may
be held by
precincts in
certain cases.

SECTION 97. If in a city, except Boston, or town wherein elections are held by precincts, the city or town committee of either of the two leading political parties shall file with the aldermen or selectmen, at least two weeks prior to the time of holding its caucuses, a notice that such party desires to hold its caucuses by precincts, the aldermen or selectmen shall furnish a polling place in each

precinct for the use of such party, as provided in section one hundred and seventeen of this chapter, and the caucuses of such party shall be held accordingly.

SECTION 98. No two political parties shall hold such caucuses on the same day. The party first filing with the secretary of the commonwealth the copy of the call as above provided shall be entitled to precedence on the days named.

Party first filing copy of call entitled to precedence.

SECTION 99. Caucuses relative to a special election shall be held at such time and place and subject to such reasonable notice as the political committee whose duty it is to provide for holding the same may determine. Calls therefor shall be issued by the chairman and secretary of said political committee.

Caucuses relative to special elections.

SECTION 100. Every caucus of a political party shall be called by a written or printed notice. No caucus or meeting of a political party not so called shall be recognized as valid under this title. It shall be the duty of the presiding officer at a caucus to open such caucus at the hour appointed therefor in the notice thereof.

Caucuses to be called by a written or printed notice, etc.

SECTION 101. Notices for caucuses shall apply to all members of the political party calling them, and to them only. No person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of another political party within the ensuing twelve months. Except that voting or taking part in the caucuses of any municipal party by any voter shall not affect his legal right to vote or to take part in the caucuses of any other political party, whether national, state or municipal, for any other election; and having voted or taken part in the caucuses of another political party for any previous election, whether city, state or national, shall not affect his right to vote or take part in the caucuses of any municipal party. No voter shall be prevented from voting or participating in any caucus if he takes the following oath which shall be administered to him by the presiding officer of the caucus:

Notices for caucuses to apply only to members of political party calling them, etc.

Voter may take oath.

You do solemnly swear (or affirm) that you are a registered voter in this ward (or town) and have the legal right to vote in this caucus; that you are a member of the political party holding the same, and intend to vote for its candidates at the polls at the election next ensuing; and that you have not taken part or voted in the caucus of any other political party for twelve months last past.

Form of oath.

Person whose right to vote is challenged to take oath, etc.

Such voter may be challenged like any other voter. Any person whose right to vote is challenged for any cause recognized by law shall not be permitted to vote until he has taken the foregoing oath; and the clerk or secretary of the caucus shall make a record of the administration of said oath to every person who takes the same, which record shall state whether or not said person voted. Said record shall be returned with the proceedings of said caucus and shall be prima facie evidence in any court that such person took said oath and voted in said caucus.

Voting lists to be used.

SECTION 102. In balloting, the voting lists furnished under the provisions of section sixty-seven shall be used as check lists and no person shall be entitled to vote or to take part in a caucus whose name does not appear upon said lists.

Persons deemed to be elected or nominated. Delegates to a convention, tie vote, vacancy, etc.

SECTION 103. The persons receiving the highest number of votes in a caucus shall be declared elected or nominated. If there is a tie vote for delegates to a convention, or a place unfilled in a delegation, or a vacancy occasioned by inability or neglect of a delegate elected to attend a convention, such vacancies shall be filled only by vote of the remaining members of the delegation at a meeting called for the purpose. Such meeting shall choose a chairman and secretary, and the secretary shall notify the secretary of the convention of the action taken relative to such vacancy, except that, if only one delegate or two delegates were to be elected, the delegate or the remaining delegate, as the case may be, shall fill such vacancy and notify the secretary of the convention of such action.

Tie vote for members of ward or town committee, etc.

If there is a tie vote for members of a ward or town committee, or for caucus officers, the members or caucus officers elected shall fill the vacancy.

Proceedings in case of failure to elect, etc.

If a majority of a delegation, of a ward or town committee, or of caucus officers is not elected, or there is a tie vote for candidates for an elective office, the caucus shall at once proceed to another ballot unless some one present entitled to vote objects; in which case the caucus shall adjourn to any subsequent day. The hour and place shall, if practicable, be the same as that named in the call.

Certificates of election, etc.

SECTION 104. The presiding officer and secretary or clerk of each caucus shall within three week days after its final adjournment deliver or send to each delegate to a political convention, to each member of a political com-

mittee, and to each caucus officer a certificate of his election, and to each candidate for an elective office a notice of his nomination.

SECTION 105. Returns of all caucuses of political parties at which are made any direct nominations for a district comprising more than one ward or town shall be made according to the provisions of section one hundred and thirty-seven. In Boston the election commissioners and in other cities and in towns the registrars of voters shall canvass said returns and determine the results thereof. Except that for the purpose of tabulating and determining the results of all such returns for members of the state committee in the Suffolk senatorial districts the chairman of the election commissioners of the city of Boston, the city clerk of the city of Chelsea, and the town clerks of the towns of Revere and Winthrop, shall constitute a canvassing board for the first district; the election commissioners of the city of Boston and the city clerk of the city of Cambridge shall constitute such board for the second and third districts; and the election commissioners of the city of Boston shall constitute such board for the remaining districts. Said canvassing boards shall meet for such purpose at the office of the election commissioners in Boston at ten o'clock in the forenoon of the Monday preceding the day on which certificates of nomination for senator are required by law to be filed with the secretary of the commonwealth. Said canvassing boards shall tabulate and determine the results of all such returns, and each canvassing board shall certify to the facts required by law. They shall furnish to the members of the state committee elected in the Suffolk senatorial districts certificates of their election and shall send to the secretary of the state committee of each political party the names and residences of the members of such party so elected. Recounts of ballots shall be made as provided in section one hundred and thirty-nine. In the case of candidates for a state office in a district comprising more than one ward and wholly within any one city, the city clerk, or in Boston the election commissioners, shall file in the office of the secretary of the commonwealth the certificate of nomination required by law. In the case of such candidates for a district not wholly within any one city or town, each city and town clerk in such district, or in Boston the election commis-

Returns of caucuses at which direct nominations are made, determination of results.

Members of state committees to be furnished with certificates of election, etc.

Recounts of ballots.

Certificates of nomination to be filed.

Copies of records of votes to be filed with secretary of

the common-
wealth in
certain cases.

sioners, shall file in the office of the secretary of the commonwealth, in the manner and within the time required by law for filing certificates of nomination, copies of the record of votes for such candidates, and the secretary shall canvass them and determine the results thereof.

Tie vote in
cases of direct
nomination,
how filled.

SECTION 106. If there is a tie vote for any candidate of a political party nominated directly for any office, for a district comprising more than one ward or town, the vacancy shall be filled by a regularly elected general or executive committee representing the election district in which such vote has been cast, or, if no such committee exists, by the members of the ward and town committees in the wards and towns comprising such district, but the vacancy shall be filled only by the choice of one of the candidates receiving such tie vote.

Caucuses held
preparatory
to national
conventions,
proceedings of.

SECTION 107. The provisions of law relative to caucuses of political parties, except those of sections one hundred and forty-four to one hundred and sixty inclusive of this chapter shall apply to caucuses of such parties held for the choice of delegates to conventions to elect delegates to national conventions for the nomination of candidates for president and vice president of the United States: *provided*, that such caucuses shall be held by wards or towns, and that in Boston and in cities and towns in which at any caucuses preliminary to the last state election the provisions of sections one hundred and twelve to one hundred and forty-three inclusive, were in force, there shall be appointed by the city or town committees of the several political parties to serve at such caucuses of the respective parties a warden, a clerk, and at least five inspectors, and, in wards having more than five precincts, such additional inspectors as the city committee may determine, such appointments to be made at least ten days, and notice thereof to be sent by the secretary of the committee to the appointees at least seven days, before the date on which the caucuses are to be held. A majority of the

Caucus officers,
appointment,
etc.

caucus officers so appointed present at a caucus may fill vacancies and elect additional inspectors as hereinbefore provided. No other additional officers shall be appointed.

Vacancies, etc.

PROVISIONS APPLYING TO CAUCUSES OF POLITICAL PARTIES
AT WHICH OFFICIAL BALLOTS ARE NOT USED.

SECTION 108. At least two weeks prior to the date on which caucuses are to be held, the chairman or secretary of the city or town committee shall notify the aldermen or the selectmen respectively of such date, and said aldermen or selectmen shall, at the expense of the city or town, provide polling places for said caucuses, in case of a city, not less than one for each ward; and shall, at least ten days prior to the date of said caucus, give said chairman or secretary notice of the places so provided.

Polling places to be provided, etc.

SECTION 109. Notice of caucuses, signed by the chairman and secretary, shall be issued by each city and town committee not less than seven days prior to the day on which they are to be held. The notices shall state the place where, and the day and hour when, the several caucuses are to be held. They shall be conspicuously posted in at least five places on the highways or streets, and if practicable, in every post office in the city or town, or shall be published at least twice in one or more local newspapers, if there are any. The hour fixed for calling the caucus to order shall not be later than eight o'clock in the evening. The notice shall designate by name or office the person who shall call such caucus to order, and he shall preside until a chairman is chosen. If he is absent at the time appointed, any member of the ward or town committee present shall call the caucus to order and preside until a chairman is chosen. The first business in order shall be the choice of a chairman, a secretary and such other officers as the meeting may determine. No person shall serve as a caucus officer at any caucus in which he is a candidate for an elective office, or for a nomination to an elective office.

Notices of caucuses.

First business,

Certain persons not to serve as caucus officers.

SECTION 110. A ballot shall be taken for the choice of any candidate, delegate or member of a political committee, to be selected by such caucus, and the polls shall be kept open at least thirty minutes.

Ballot to be taken, etc.

SECTION 111. The secretary of each caucus shall forthwith, after the ballots cast therein have been counted, transmit the said ballots and the check list used at the caucus to the city or town clerk, as the case may be, who shall preserve them for ten days. If during said time ten

Ballots and check lists to be transmitted to city or town clerk.

Ballots, etc.,
to be pre-
served, etc.

voters entitled to vote in said caucus shall file with said clerk a written request so to do, he shall preserve the ballots and voting lists for three months, and shall produce the same if required by any court of justice or convention having jurisdiction or authority over the same.

In case of
contest, etc.,
ballots to be
preserved
until finally
determined.

If within three week days after any caucus a person who has received votes thereat for nomination or election to any office, delegation or political committee shall file a statement in writing with the said clerk, claiming an election or nomination or declaring an intention to contest the election or nomination of any other person, the clerk shall preserve the ballots for such nomination or office until the claim or contest has been finally determined.

Recount of
ballots.

The clerk shall immediately give notice in writing to the persons affected and to the chairman and secretary of the caucus, fixing a time within twenty-four hours thereafter and a place at which said ballots will be recounted. The chairman and secretary of the caucus shall, at said time and place, recount said ballots and determine the questions raised. Each candidate affected may be present during such recount, or may be represented by an agent appointed by him in writing. If it shall appear upon a recount that persons were nominated or elected other than those declared to have been nominated or elected, certificates of such change shall be made as in the case of the original certificate.

PROVISIONS APPLYING TO CAUCUSES OF POLITICAL PARTIES AT WHICH OFFICIAL BALLOTS ARE USED.

Calling, etc.,
of caucuses at
which official
ballots are
used.

SECTION 112. All caucuses for the election of caucus officers, of delegates to a convention, of a political committee, or for the nomination of candidates for any state or city office in any city or town held by a political party which has adopted the provisions of law for the use of official ballots shall be called and held as hereinafter provided.

Calling of cau-
cuses for pur-
pose of voting
on question
of adoption.

SECTION 113. Any city or town committee shall, at the written request of fifty voters, members of its party, call caucuses of said party to determine by ballot whether the provisions of law for the use of official ballots shall be adopted. The notice of said caucus shall state the purpose for which it is called, the place, the day and the hour,

not earlier than six o'clock and not later than half-past seven o'clock in the evening, of holding said caucus. It shall be issued at least seven days prior to the day named therefor, and shall be published at least twice in one or more local newspapers, if there are any, and shall be posted in at least five public places in each ward or town. The polls shall be kept open at least one hour. If said caucuses shall vote to adopt said provisions, all caucuses of said political party in said city or town shall thereafter be called and conducted accordingly.

SECTION 114. A political party in a city or town which has accepted said special provisions may, not less than one year after the date of the caucus wherein such provisions were adopted, revoke such action at a caucus called and held in the manner provided in the preceding section. Upon the adoption of said provisions or upon the revocation of such adoption, the secretary of the city or town committee of such political party shall, within ten days thereafter, file with the secretary of the commonwealth and with the clerk of the city or town and the secretary of the state committee of the political party so voting, a notice thereof.

Acceptance may be revoked, etc.

Notice of action to be filed.

SECTION 115. All such caucuses of a political party for the choice of a political committee in cities, for the choice of candidates for a city or town election, and for the choice of delegates to a convention to nominate candidates for such election, except caucuses relating to a special election, shall be held on the same day in each city and town. The city or town committee shall fix the days for holding all caucuses mentioned in this section, and all calls for the same shall be issued by its chairman and secretary.

Certain caucuses to be held on same day.

City or town committee to fix days, etc.

No two political parties shall hold their caucuses on the same day. The party first filing a copy of the call for a caucus with the city or town clerk, shall be entitled to precedence as to the day so fixed.

Party first filing copy of call entitled to precedence.

SECTION 116. Notices of caucuses in said cities or towns shall state the place where and the day and hour when nomination papers shall be issued; the place where and the earliest day and hour when such nomination papers may be filed, which time shall be not less than twenty-four week-day hours succeeding three o'clock of the day fixed for issuing such papers; the place where

Notices of caucuses to contain certain information, etc.

and the day and hour prior to which such nomination papers shall be filed; and the day on which the several caucuses will be held, and shall be issued not less than eighteen days prior thereto.

Polling places,
etc., to be
provided.

SECTION 117. At least two weeks prior to the day named for a caucus, the chairman or secretary of the city or town committee shall give notice of such date to the aldermen or to the selectmen, or in Boston to the election commissioners, who shall, at least ten days prior to such date, notify the city or town committee of the places selected for holding the caucuses, and shall, at the expense of the city or town, provide polling places, in a city not less than one for each ward, and in cities and towns where elections or caucuses are held in voting precincts, one in each of such precincts, and furnish them with booths, registering ballot boxes, guard rails and the like, as they are arranged for state elections.

Voting may
proceed in two
or more lines
in certain
cases.

If twenty-five voters of a ward or of a town shall request in writing at least twelve days before any caucus of the political party to which they belong, the aldermen or selectmen shall so arrange the polling place of such ward or town as to allow voting to proceed in two or more lines at the caucus.

Seven days'
notice to be
given by city
and town
committees,
etc.

SECTION 118. At least seven days prior to the day named for a caucus, the city or town committee shall issue a notice that such caucus will be held, stating the place, the day and the hour of holding the same. The hour shall not be earlier than two o'clock in the afternoon nor later than half-past seven o'clock in the evening. Notices relative to the filing of nomination papers or for caucuses shall be published at least twice in one or more local newspapers if there are any.

Blank nom-
ination papers
to be pro-
vided, etc.

SECTION 119. The city or town shall provide, and the city or town clerk or election commissioners shall seasonably prepare, for each political party, blank nomination papers for use in the different wards of the city or in the town. Such papers shall state the place where, and the day and hour prior to which, signed nomination papers shall be filed. On the back of each, sections one hundred and twenty to one hundred and twenty-six, inclusive, shall be printed. They shall be delivered to the chairman or secretary of the political committee for whose use they have been prepared, and to no other person.

SECTION 120. Nominations of candidates for elective offices, for delegates to a convention, for caucus officers, for a ward or town committee, and in the Suffolk senatorial districts for members of a state committee, to be voted for at a caucus, shall be made by nomination papers, as hereinafter provided. Such nominations shall be made on the blank nomination papers prepared and delivered in accordance with the preceding section; and no nomination paper offered for filing shall be received or shall be valid to which is attached any card, paper or other device containing the name of a candidate, his written acceptance, or the signature of any voter required by this section. Such papers shall be signed in person by at least five voters of the ward or town in which the caucus is to be held, who shall be members of the political party holding the caucus, and who shall add to their signatures the street and number, if any, of their residences. Such papers for a district composed of more than one ward or town shall be signed by a number of voters equal in the aggregate to not less than five voters for each ward or town in said district. Nomination papers shall not contain a larger number of names of candidates than there are persons to be elected. No nomination paper in Boston, and no nomination paper in any other city or town except for a delegate or delegates to a convention, shall be valid in respect to any candidate whose written acceptance is not thereon. No vacancy caused by the death, withdrawal or ineligibility of any of the above candidates in Boston, and no such vacancy in any other city or town, except for a delegate or delegates to a convention, shall be filled in the manner provided by law, unless the person entitled to fill such vacancy files the written acceptance of the candidate who is nominated to fill the vacancy.

Nominations to be made by nomination papers, etc.

Signatures, etc.

Acceptance to be on nomination papers, etc.

SECTION 121. The nomination paper for an elective office shall give the name of the candidate, the street and number, if any, of his residence, and may, in not more than eight words, state his occupation, the public offices he has held or that he is a candidate for renomination, provided that such be the fact.

Certain information may be given concerning candidates for elective offices.

The nomination paper of a candidate for a caucus office, for a ward or town committee or for a member of a state committee shall state the street and number, if any, of his residence.

Candidates for caucus offices, etc.

Delegates to conventions.

There may be added to the name of a person proposed as a delegate to a convention, a statement of not more than eight words that he is favorable to, or is pledged to support, or to oppose, any person for an office to be filled, or is favorable to, or opposed to, any public measure, or is uncommitted.

Statement may be stricken from nomination papers, etc.

If, under the provisions of this section, any delegate or set of delegates is described on a nomination paper as favorable to, or pledged to support, any person for an office to be filled, such person may, within two week days after the announcement thereof, file with the secretary of the city or town committee a written request to have said statement stricken from the nomination paper, and the secretary shall do the same forthwith, and said nomination paper shall thereupon be void and of no effect.

To be sealed up and filed ten week days before caucus.

SECTION 122. All nomination papers shall be sealed up and filed in the office of the secretary of the city or town committee not less than ten week days previous to the day on which the caucus is to be held for which the nominations are made, and the secretary shall indorse upon them the time at which they are received by him. They shall not be opened until the time for their filing has expired, when the secretary, at his office, shall publicly open them and publicly announce the nominations therein made.

To be publicly opened, etc.

Correction of errors, etc.

SECTION 123. The secretary of the city or town committee shall immediately give notice to the person filing the nomination paper of any error, irregularity or informality appearing therein, and such person may, within two week days after the time when the nomination papers were opened, correct the same, or said secretary may make such correction.

Proceedings in cities when papers are not filed.

SECTION 124. If, in a city, nomination papers placing persons in nomination for all the offices to be filled at a caucus in which the papers are not filed, the secretary of the city committee shall forthwith notify the chairman or secretary of the committee of such ward, who shall forthwith call a meeting of said committee, which may nominate candidates for all offices for which nomination papers have not been filed, and shall immediately file with the secretary of the city committee nomination papers signed by all the members of the committee who agree to the nominations therein made. In case of disagreement two sets of such nomination papers may be filed. If, at the expiration

Ward committee may nominate.

Two sets of papers may be filed in case of

of two week days after the time at which nomination papers were opened, proper nomination papers have not been filed for all the offices to be filled, or upon any vacancy caused by death or otherwise, except a withdrawal, the chairman and secretary of the city committee may file nomination papers for such offices or vacancies.

disagreement,
etc.

SECTION 125. If, in a town, nomination papers placing persons in nomination for all the offices to be filled at a caucus are not filed, or upon a vacancy by death or otherwise, except a withdrawal, the chairman or secretary of the town committee shall forthwith call a meeting of said committee, which shall have all the powers relative to the nomination of candidates conferred in the preceding section upon a ward committee and the chairman and secretary of a city committee.

Proceedings in
towns when
papers are not
filed, etc.

SECTION 126. A person who is nominated by a nomination paper may, within forty-eight week-day hours succeeding five o'clock of the day fixed for opening nomination papers, withdraw his name from nomination by a request in writing signed by him with his own hand and filed with the secretary of the city or town committee. Thereupon, the secretary shall immediately give notice of such withdrawal and of the provisions of this section to the person who filed such nomination paper, and such person may, within twenty-four week-day hours succeeding five o'clock of the last day fixed for making withdrawals, present a new name on a nomination paper signed by himself with his own hand; otherwise the chairman and secretary of the city or town committee may file nomination papers for the vacancy.

Withdrawals.

Vacancies,
how filled.

SECTION 127. Not less than seven week days before the day upon which the caucuses are to be held and before five o'clock in the afternoon of the last day, the secretary of each city or town committee shall deliver to the city or town clerk, or in Boston to the election commissioners, the nomination papers filed with him.

Papers to be
delivered to
city or town
clerk or the
election com-
missioners.

SECTION 128. If an error or informality is found in any nomination paper, it shall be forthwith returned to the secretary of the committee by whom it was filed, for correction; and if it is not corrected and again filed before five o'clock in the afternoon of the day following its return to said secretary, it shall be void.

Errors, etc.,
to be corrected
before a cer-
tain time, etc.

SECTION 129. Objections to nomination papers, and all other questions relating thereto, shall be considered in

Objections to
nomination
papers, etc.,

by whom
considered.

Boston by the ballot law commission of said city; in other cities by the board of registrars, the city clerk and the city solicitor; and in towns by the board of registrars.

Cities and
towns to pro-
vide ballots,
etc.

SECTION 130. The city or town shall provide and the city or town clerk, or in Boston the election commissioners, shall prepare ballots to be used in caucuses, in accordance with the provisions of this chapter, and no other ballots shall be received or counted. No ballots as herein provided shall be printed in any printing establishment owned or managed by the city of Boston.

Number of
ballots, how
determined.

The chairman and secretary of the city or town committee may determine the number of ballots to be provided for each ward or town, not exceeding one for each voter therein. If they fail so to do, the city or town clerk, or in Boston the election commissioners, shall determine the number. At least six facsimile copies of the ballot, printed on colored paper, shall be provided for each polling place as specimen ballots.

Specimen
ballots.

Form of official
ballot.

SECTION 131. At the top of each ballot shall be printed the words "The official ballot of (here shall follow the party name)." On the back and outside of each ballot when folded shall be printed the words "Official ballot of the (here shall be inserted the party name)", followed by the number of the ward or the name of the town for which the ballot is prepared, the date of the caucus and a facsimile of the signature of the secretary of the political committee. Names of candidates for each elective office shall be arranged alphabetically according to their surnames.

Arrangement
of names.

To be ar-
ranged in
groups in
order of filing.

Names of candidates for caucus officers, for ward or town committees, and for delegates to conventions shall be arranged in groups in the order in which they are filed.

Street and
number of
residence to
be printed.

Against the name of a candidate for a caucus office, for an elective office, for a ward or town committee or for a member of a state committee shall be printed the street and number, if any, of his residence.

Certain state-
ment to be
printed.

Against the name of a candidate for an elective office or for a political convention shall be printed the statement contained in the nomination paper placing him in nomination.

Names to be
printed on
ballot, blank
spaces to be
provided, etc.

No names shall be printed on a ballot other than those presented on nomination papers. Immediately following the names of candidates, blank spaces equal to the number

of persons to be chosen shall be provided for the insertion of other names.

The number of persons to be voted for for the different offices shall be stated on the ballot.

Number to be voted for to be stated on ballot.

A star (*) against a name shall indicate that a person is a candidate for re-election. The form of ballots and the arrangement of printed matter thereon shall be in general the same as that of the official state ballots, except as herein otherwise provided.

A star to indicate candidate for re-election, etc.

SECTION 132. A cross [X] marked against a name shall constitute a vote for the person so designated. A cross in the circle at the head of an entire group of candidates for ward committees or for delegates to a convention shall count as a vote for each candidate therein. A voter may vote for one or more candidates in any such group by marking a cross against the name of each such candidate, or he may insert another name and mark a cross against it. If he votes for more candidates than the number to be elected, his vote shall not be counted.

A cross to constitute a vote, etc.

SECTION 133. The city or town clerk, or in Boston the election commissioners, before the opening of the polls on the day of the caucus, shall, at the expense of the city or town, prepare and deliver at the polling place to the warden or, if he is not present, to the clerk or, if both are absent, then to any inspector, ballot boxes, the ballots, specimen ballots, voting lists, suitable blank forms and apparatus for canvassing and counting the ballots and making the returns, a seal of suitable device and a record book for each polling place. The presiding officer at each polling place shall, before the opening of the caucus, conspicuously post in such polling place at least six specimen ballots, which shall be kept so posted until the polls are closed.

Delivery of ballots, etc., at polling places.

Specimen ballots to be posted, etc.

SECTION 134. Caucuses, except as herein otherwise provided, shall be held in general accordance with the provisions of law for the conduct of elections and the manner of voting thereat.

Certain provisions of law to apply.

SECTION 135. The order of business shall be as follows: —

Order of business.

First, Any necessary preliminary business.

Second, Balloting until half-past eight o'clock in the evening, when the polls shall be closed unless the caucus shall vote to keep them open until a later hour; but every

voter waiting in line at the hour for closing the polls shall be allowed to vote.

Third, After the polls have been closed, any other business which is properly before the caucus.

Challenging of
votes, etc.

SECTION 136. If the right of a person offering to vote is challenged for any legal cause, the presiding officer shall require him, or some one in his behalf, to write his name and residence on the outside of the ballot offered, and before it is received the presiding officer shall add thereto the name of the person challenging and the cause alleged for the challenge; but no caucus officer shall receive any ballot which by law he is required to refuse. No officer or other person shall give any information in regard to a ballot cast by a challenged voter unless required by law so to do.

Counting of
ballots, etc.

SECTION 137. Immediately after the polls have been declared closed, but not before, the ballots shall be counted in full view of the voters. When they have been counted and the result has been ascertained, the presiding officer shall make public announcement thereof in open meeting, and the clerk shall, in open meeting, enter in words at length in the record book, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes for each person, and the title of the delegation or office for which he was a candidate. The clerk shall forthwith make a copy of said record, certify and seal the same, and transmit it to the city or town clerk, or in Boston to the election commissioners. He shall then, before the adjournment of the caucus, and in the presence of those who counted the same, seal up all ballots cast, with the voting lists used, and a statement of any challenge which may have been made.

Clerk to make
copy of record,
seal up
ballots, etc.

Package to be
endorsed and
transmitted to
city or town
clerk or elec-
tion com-
missioners, etc.

The warden and clerk shall indorse upon such package the name of the political party holding the caucus, its date, its purpose, and, if in a city, for what ward the ballots were cast. The warden shall forthwith transmit, by the officer detailed to attend the caucus, to the city or town clerk, or in Boston to the election commissioners, the ballots cast, the voting lists, the ballot boxes, the ballot box seals, the counting apparatus, the copy of the records, and the record book.

Sealed pack-
ages to be
kept, etc.

The city or town clerk or election commissioners shall safely keep such sealed packages for ten days. If within

said time ten voters entitled to vote in said caucus file with them a written request so to do, they shall preserve said ballots and voting lists for three months and shall produce them if required by any court or convention having jurisdiction or authority over the same.

SECTION 138. The city or town clerk, and in Boston the election commissioners, upon written application, signed by at least ten voters of a ward or town, for a copy of a list as checked, may open the envelope containing the voting list used at any caucus in such ward or town and shall furnish to them a certified copy thereof as checked.

Certified copy of voting list as checked may be furnished.

SECTION 139. If before five o'clock in the afternoon of the second day next succeeding the day of any caucus, ten or more voters of any town or ward shall sign, adding thereto their respective residences on the first day of May of that year, and file with the city or town clerk, or in Boston with the election commissioners, a statement under oath that the records and returns made by the caucus officers of such town or ward are erroneous, specifying the error, or that challenged votes were cast by persons not entitled to vote therein, said city or town clerk shall forthwith transmit such statement to the registrars of voters with the sealed packages containing the ballots and voting lists, and said registrars or election commissioners shall give notice in writing to the person affected, fixing a place and time, as early as may be, at which said ballots will be recounted and at such place and time shall open the packages containing the ballots and voting lists and recount said ballots and determine the questions raised, and shall reject any challenged vote cast by a person found not to have been entitled to vote; and such recount shall stand as the true result of the vote cast in such caucus. Each candidate affected may be present during such recount, or may be represented by an agent appointed by him in writing. If it shall appear upon a recount that persons were nominated or elected other than those declared to have been nominated or elected, certificates of such change shall be made as in the case of the original certificate.

Recount of ballots, etc.

SECTION 140. At the caucus held for the choice of delegates to the state convention there shall be chosen annually a warden, a clerk, and at least five inspectors, and, in wards having more than five precincts, such additional inspectors as the city committee of the political party

Caucus officers, election, etc.

Certain persons not eligible, etc.

Term of office, oath, etc.

Duties.

Vacancies, additional officers, etc.

Appointment of officers to serve at first caucus.

In a newly incorporated city or a re-division into wards.

whose caucuses are to be held may determine. They shall be voters of the ward or town in which they are elected and members of the political party whose caucus is to be held. No person shall be eligible to the position of warden or clerk or inspector who is a state, county or city employee, or who is a member of a ward or town committee, and no person shall serve as a caucus officer at any caucus wherein he is a candidate for a nomination to an elective office, or for ward or town committee. Every caucus officer shall hold office for one year, beginning with the first day of October succeeding his election, and until his successor is elected. He shall, before entering upon the performance of his duties, be sworn to the faithful performance thereof by the warden, clerk, or a justice of the peace, and a record of such oath shall be made upon the record book of such caucus. The respective duties of caucus officers shall be in general the same as are required of election officers at elections.

SECTION 141. A majority of the caucus officers present at a caucus, may fill temporary vacancies and elect additional officers to serve in that caucus only. Such temporary officers shall be duly sworn. Permanent vacancies shall be filled by a majority vote of all the caucus officers.

SECTION 142. A city or town committee of a political party which has adopted the provisions of law for the use of official ballots shall, at least ten days before holding any caucus thereunder, appoint caucus officers in each ward, town, or voting precinct in cities and towns where elections or caucuses are held in such precincts, to serve at the first caucus to be held thereafter.

SECTION 143. In a newly incorporated city, or upon a re-division into wards of a city to which the said provisions apply, the caucus officers to serve in the first caucuses held in the next succeeding year shall be appointed by the city committee; and at such caucuses the regular caucus officers shall be chosen.

JOINT CAUCUSES OR PRIMARIES OF POLITICAL AND MUNICIPAL PARTIES.

Certain caucuses to be held at the same time and place as primaries.

SECTION 144. All caucuses of political and municipal parties in Boston and in cities, and in towns using official ballots, which vote that primaries shall be held therein,

except caucuses to elect delegates to conventions held for the election of delegates to national conventions, and for the choice of ward committees after the change of ward lines, shall be held at the same time and place as primaries, and shall be conducted in general accordance with the provisions of law concerning the conduct of elections and the manner of voting thereat, except as otherwise provided herein.

SECTION 145. In any city or town which has adopted the provisions of law for nominating by primaries, the following question shall be put on the official ballot at any city election or annual town meeting on petition of five per cent of the voters registered at the time of the preceding city election or annual town meeting, filed with the city or town clerk on or before the last day of filing nomination papers: — “ Shall joint caucuses or primaries continue to be held in this city (or town)? ” In any city or town not nominating by primaries the following question may, by similar petition, be put on the ballot at the next city election or annual town meeting: — “ Shall joint caucuses or primaries be held in this city (or town)? ” In the event of an affirmative or negative vote on these questions, primaries shall or shall not thereafter be held accordingly, except that in case of an affirmative vote in a town the provisions shall not apply to caucuses for the nomination of town officers, unless expressly provided in the vote.

Question of adoption or revocation to be submitted to voters upon petition.

Clerks of cities or towns which vote to hold primaries or to rescind such action shall forthwith notify the secretary of the commonwealth of such vote.

Secretary of the commonwealth to be notified.

SECTION 146. Notices of intention to participate in primaries shall be furnished by the city and town committees of such political and municipal parties as are entitled to and desire to participate therein not less than twenty-two days prior to the day on which the primaries are to be held, to the election commissioners in Boston, the city clerk in other cities or the town clerk in towns. Said notices shall state the number of delegates to be chosen to each convention and the number of members of a ward or town committee to be elected in each ward or town.

Notices of intention to participate in primaries to be furnished.

SECTION 147. In Boston notices of primaries shall be issued not less than twenty-two days prior to the day on

Notices of primaries in Boston.

Filing of
nomination
papers in
Boston.

which the primaries are to be held. Nomination papers shall be sealed up and filed in the office of the secretary of the city committee of the party making the nominations not less than fourteen week days prior to the day upon which the primary is to be held for which the nominations are made; and the secretary of each city committee shall deliver to the election commissioners, not less than ten week days before the day upon which the primaries are to be held and before five o'clock in the afternoon of the last day, the nomination papers filed with him.

Days of hold-
ing primaries.

SECTION 148. Primaries shall be held on the sixth Tuesday preceding state elections, on the third Tuesday preceding city elections, except in Boston, where they shall be held on the fourth Thursday preceding the city election, and on the second Tuesday preceding town elections, or any special election.

To be held by
precincts in
certain places.

In Boston they shall be held by precincts as established for elections; elsewhere, wholly or partly by wards, precincts or towns, as the board of aldermen or selectmen may from time to time determine.

Nominations.

SECTION 149. Nominations shall be made in accordance with the provisions of sections one hundred and nineteen to one hundred and twenty-eight, inclusive, except as otherwise provided in section one hundred and forty-seven.

Ballots, ballot
boxes, etc.

SECTION 150. Ballots for each political and municipal party, ballot boxes, voting lists, specimen ballots, blank forms and apparatus, seals and record books, shall be provided and treated in accordance with the provisions of sections one hundred and thirty to one hundred and thirty-three, inclusive, of this chapter, except that the number of ballots shall be determined by the election commissioners in Boston, by the city clerk in any other city, and by the town clerk in towns, and shall not for any ward or town exceed one ballot of each party for each voter therein; and the ballots for each party shall be printed on paper of a different color from that on which the ballots for any other party are printed.

Certain pro-
visions of law
to apply.

SECTION 151. The provisions of law relating to election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, the provisions of section two hundred and seventy-six of this chapter, corrupt practices, and penalties, shall apply to primaries, except as otherwise provided herein.

SECTION 152. The election commissioners in Boston, the city clerks in other cities, and the town clerks in towns may designate two inspectors and two deputy inspectors, representing the two leading political parties, instead of a larger number, to serve at the primaries, and from the whole body of election officers they may designate officers equally representing the two leading political parties to serve as tellers in any precinct or ward during part of the day for the purpose of receiving ballots, checking names, or canvassing and counting votes, such tellers to receive such part of a full day's compensation of election officers as the election commissioners in Boston, the board of aldermen in other cities, or the selectmen in towns, may determine.

Officers may be designated to serve at primaries.

SECTION 153. In wards or towns where at elections voting is by precincts, but at primaries by wards or towns, the city or town clerk shall designate which of the election officers shall serve as primary officers.

Same subject.

SECTION 154. Except in Boston no person shall be ineligible to serve as a primary officer because he is a candidate for or member of a ward or town committee.

Certain persons not ineligible as primary officers.

SECTION 155. The polls at every primary shall be open during such hours, not less than nine in cities or four in towns, as may be designated by the board of election commissioners in Boston, the aldermen of other cities, and the selectmen of towns.

Polls to be open during certain hours.

SECTION 156. When in a primary the voter seeks to pass the guard rail, he shall be asked by one of the ballot clerks which party ballot he desires, and the ballot clerk upon reply shall distinctly announce the same and give him such party ballot. The voter's selection shall be checked on the voting list used by the ballot clerks, and said list shall be returned to the election commissioners in Boston, or to the city clerk in any other city, or to the town clerk in towns, for preservation during the succeeding calendar year. A copy of the party entries on such list shall be used at subsequent primaries for determining with what party the voter has been enrolled.

Enrolment of voters, etc.

No voter enrolled under the provisions of this chapter shall be allowed to receive the ballot of any political party except that with which he is so enrolled, but he may change his enrolment by appearing in person before the election commissioners in Boston, the city clerk in any other city, or the town clerk in towns, and requesting in

Enrolment may be changed, etc.

writing to have his enrolment changed to another party; but such change shall not take effect until the expiration of ninety days after the voter so appears; but the political party enrolment of a voter shall not preclude him from receiving at a primary the ballot of any municipal party, though in no one primary shall he receive more than one party ballot.

Voter denying accuracy of enrolment to take oath.

No voter who denies the accuracy of his enrolment may deposit his ballot until he takes the following oath which shall be administered to him by the presiding officer of the primary: —

Form.

You do solemnly swear, or affirm, that you are a registered voter in this ward (or town), and have the legal right to vote in this primary and that you are a member of the _____ party participating in the same and are incorrectly enrolled as a member of the _____ political party.

Record of administration of oath to be made, etc.

The clerk or secretary of the primary shall make a record of the administration of said oath to every person who takes the same, which record shall state whether or not said person voted. Said record shall be returned with the proceedings of said primary and shall be prima facie evidence in any court that such person took said oath and voted in said primary. Such voter may be challenged like any other voter.

Counting of votes.

SECTION 157. In the counting of votes when the ballots are removed from the ballot box, they shall first be sorted into piles, one for each party, and each pile shall be counted and sealed separately. Votes shall be counted only for nominations of the party on whose ballot they appear.

Canvass of returns of votes, etc.

SECTION 158. The election commissioners in Boston, the city clerks in other cities, and town clerks in towns, shall canvass the returns of votes, determine the results, issue proper certificates thereof to the successful candidates, and notify the chairmen of the city or town committees of the respective parties as to the persons who have been elected delegates to conventions and members of ward and town committees.

Certificates of nominations.

They shall also certify to the facts required by law as to certificates of nominations of representatives to the general court, and shall file such certificates with the sec-

retary of the commonwealth on or before the Thursday designated by law therefor.

SECTION 159. If a majority of a delegation or of a ward or town committee is not elected, or if there is a tie vote for candidates for an elective office, the vacancy shall be filled according to the provisions of section one hundred and eighty-one of this chapter and the city or town clerk, or in Boston the election commissioners, shall notify the chairman or secretary of the committee of the political party interested.

Filling of vacancies.

SECTION 160. In Boston petitions for recounts after primaries shall be filed before five o'clock in the afternoon of the second day thereafter.

Petitions for recounts in Boston.

PROVISIONS APPLYING TO CAUCUSES OTHER THAN THOSE OF POLITICAL PARTIES.

SECTION 161. A caucus of the voters, or of a specified portion thereof in a ward of a city, or in a town, may be called and held for the nomination of candidates to be voted for at any city election, or at any election of town officers for which official ballots are used, or for the selection of delegates to a convention, or for the appointment of a committee. A like caucus in any representative district may be held for the nomination of a candidate for representative in the general court; but otherwise no nomination of a candidate to be voted for in an electoral district or division containing more than one town or more than one ward of a city shall be made by a caucus. The proceedings of such caucuses shall be invalid unless at least twenty-five voters participate and vote therein. Except as provided in this section, no caucus or meeting other than those of political parties shall be entitled to nominate a candidate whose name shall be placed on the official ballot, or to select delegates to a political convention for the nomination of a candidate whose name shall be placed on such ballot.

At least twenty-five voters to participate in certain caucuses.

Entitled to nominate, etc.

SECTION 162. The notice for a caucus under the preceding section shall be written or printed, shall state the place where, and the day and hour when, said caucus is to be held, shall be issued at least seven days prior thereto, and shall be conspicuously posted in at least five places on lines of public travel, and, if practicable, in every

Notice of caucus, etc.

post office within the city or town, or shall be published at least twice in one or more local newspapers. Said notice shall be signed by one or more voters of the ward, town or district for which the caucus is called, and shall designate by name or office the person who shall call such caucus to order, and he shall preside until a chairman is chosen. In his absence, the caucus may choose a temporary chairman. The first business in order shall be the organization of the caucus by the choice of a chairman, a secretary, and such other officers as the meeting may require. The persons receiving the highest number of votes shall be declared elected or nominated. The caucus may adopt regulations not inconsistent with this chapter.

First business, etc.

To vote by ballot upon written request, etc.

SECTION 163. Upon the written request of ten or more voters present at a caucus and entitled to vote therein, presented by motion or otherwise to the presiding officer for the time being, at any time before the choice of the officer to which it relates, any candidate, delegate or member of a political committee, and unless the caucus votes otherwise, the chairman of the caucus, shall be elected by ballot. In balloting, the voting lists furnished under section sixty-seven shall be used as check lists.

Preservation of ballots and voting lists, etc.

SECTION 164. The secretary of a caucus held under the provisions of the three preceding sections shall, at the request in writing of ten voters entitled to vote in the caucus, preserve all ballots cast and voting lists used therein for three months, and shall produce the same if required by any court, board, convention or other tribunal having jurisdiction thereof.

NOMINATION OF CANDIDATES.

Nominations by caucuses, primaries and conventions.

SECTION 165. A convention of delegates, a caucus or a primary held in accordance with the provisions of this chapter for the commonwealth, or for a district, county, city, town or ward may make one nomination except that at a primary one nomination for each political party taking part therein may be made for each office to be filled at an election therein, and shall be entitled to have the names of all candidates so nominated placed upon the official ballot upon filing a certificate of nomination as hereinafter provided. A party may make a nomination for an office to be filled by election in the commonwealth,

Nominations by certain parties.

or in any district, county, city, town or ward, when at the five preceding annual elections it polled in the commonwealth, or in such district, county, city, town or ward, respectively, a number of votes for governor equal to the number of voters required to nominate by nomination papers a candidate for the office so to be filled.

SECTION 166. The candidates of all political parties for the office of representative in congress in the ninth, tenth and eleventh districts, councillor in districts composed wholly of Suffolk senatorial districts, senator in the Suffolk districts, representative in the general court and for elective city offices to be voted for in two or more wards, except school committee in Boston, shall be nominated by direct plurality vote in caucuses or primaries.

Certain candidates to be nominated by direct plurality vote.

The persons who in the aggregate of all the ballots cast at such caucuses or primaries in each district for the several candidates shall receive the highest number of votes shall be the candidates nominated.

Persons receiving the highest number of votes to be the candidates nominated.

SECTION 167. All provisions of law relative to the preparation of nomination papers and ballots, to caucuses, primaries and elections, to ballots cast at caucuses, primaries and elections, to recounts of such ballots, and to certificates of nomination, shall, so far as they are applicable, apply to caucuses held for direct nominations.

Certain provisions of law to apply.

SECTION 168. No convention to nominate candidates for any state or city office shall be called for or held on a date earlier than four days after the holding of the caucuses or primaries for the choice of delegates thereto, and all such conventions shall be called for and held on a date not later than forty-eight hours prior to the hour for filing certificates of nomination as provided in section one hundred and seventy-seven.

Calling and holding of conventions.

No representative convention shall be called for or held on a date earlier than seven days after the date designated for holding caucuses by the state committee of the political party whose representative convention is to be held.

Representative conventions.

In Boston conventions to nominate candidates for school committee shall be called for and held on the eighth day after the primaries before the city election.

Conventions to nominate candidates for school committee in Boston.

SECTION 169. At a convention not held for the nomination of candidates for any offices to be filled by all the voters of the commonwealth, by vote of one fourth of the

Nominations may be made by roll call at certain conventions.

delegates present the nomination of any candidate shall be made by roll call in the following manner: the secretary of the convention shall call the roll of the towns and cities in alphabetical order or of wards in a city in numerical order, and each delegate shall, as his name is called, state in the hearing of the convention the name of the candidate for whom he desires to vote, and the person receiving a majority of votes on such roll call shall be the candidate of the convention.

Returns of precinct caucuses, tabulation of, etc.

SECTION 170. The clerk of a city or town wherein caucuses are held by precincts, immediately upon receipt of the returns from the caucus officers, which shall be made as provided in section one hundred and thirty-seven, shall tabulate and determine the results thereof, and shall certify to the facts required by the following section, and in accordance with the provisions of sections one hundred and seventy-one and one hundred and seventy-six, except in cases where the nomination is for an office to be filled by the voters of a city or town, in which cases no such certificate shall be required. The clerk shall also issue proper certificates to the successful candidates and notify the chairmen of the city or town committees of the respective parties as to the persons who have been elected delegates to conventions and members of ward and town committees.

Certificates to be issued, committees to be notified, etc.

Certificate of nomination; contents, signatures and oath of officers.

SECTION 171. Every certificate of nomination shall state such facts as are required by section one hundred and seventy-five and except in cases of direct nomination for a district comprising more than one ward or town, shall be signed by the presiding officer and by the secretary of the convention or caucus, who shall add to their signatures their residences, and shall make oath to the truth thereof. The secretary of the convention or caucus shall within the seventy-two hours succeeding five o'clock in the afternoon of the day upon which the convention or caucus was held and within the time specified in section one hundred and seventy-seven, file such certificate as hereinafter provided.

Secretary to file certificate.

Nomination papers, number of signatures.

SECTION 172. Nominations of candidates for any offices to be filled by all the voters of the commonwealth may be made by nomination papers, stating the facts required by section one hundred and seventy-five and signed in the aggregate by not less than one thousand voters for each candidate. Nominations of all other candidates for

offices to be filled at a state election, and of all candidates for offices to be filled at a city election, may be made by like nomination papers, signed in the aggregate, for each candidate, by two voters for every one hundred votes cast for governor at the preceding annual state election in the electoral district or division for which the officers are to be elected, but in no case by less than fifty nor more than one thousand qualified voters. Nominations of candidates for offices to be filled at a town election may be made by nomination papers, signed by at least one voter for every fifty votes polled for governor at the preceding annual state election in such town, but in no case by less than twenty voters. At a first election to be held in a newly established ward of a city, the number of voters upon a nomination paper of a candidate who is to be voted for only in such ward need not exceed fifty; and at a first election in a town the number for the nomination of a candidate who is to be voted for only in such town need not exceed twenty.

SECTION 173. Every voter who signs a nomination paper shall sign it in person, with his full surname, his Christian name and the initial of every other name which he may have, and shall add his residence on the previous first day of May and the place where he is then living, with the street and number thereof, if any, to his signature; but any voter who is prevented by a physical disability from writing or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, may authorize some person to write his name and residence in his presence; and every voter may sign as many nomination papers for each office to be filled as there are persons to be elected thereto, and no more. Women who are qualified to vote may sign nomination papers for candidates for the school committee. Every nomination paper shall, before being filed, be seasonably submitted to the registrars of the city or town in which the signers appear to be voters, and in Boston to the election commissioners, who shall forthwith certify thereon the number of signatures which are names of voters both in the city or town and in the district or division for which the nomination is made. They need not certify a greater number of names than are required to make a nomination, with one fifth of such number added thereto. Names not

Voters to sign nomination papers in person, adding residence, etc.

Number of nominations.

Women may sign, etc.

To be submitted to registrars, etc.

certified in the first instance shall not thereafter be certified on the same nomination papers. The secretary of the commonwealth shall not be required in any case to file nomination papers for a candidate after filing such papers containing a sufficient number of certified names to make a nomination, with one fifth of such number added thereto. One of the signers to each nomination paper shall make oath to the truth of the statements therein, and the certification of such oath and the post office address of the signer shall be annexed to such paper.

One of the signers to make oath, etc.

Magistrates to satisfy themselves as to identity of person making oath, etc.

SECTION 174. A notary public, justice of the peace or other magistrate, when taking the oath of a signer of a nomination paper, shall satisfy himself that the person to whom the oath is administered is the person signing such nomination paper, and shall so state in his attestation of said oath.

Certificates of nomination and nomination papers, contents, etc.

SECTION 175. All certificates of nomination and nomination papers shall, in addition to the names of candidates, specify as to each: (1) his residence with street and number thereof, if any; (2) the office for which he is nominated; and (3), except as hereinafter provided, the party or political principle which he represents, expressed in not more than three words. Certificates of nomination shall also state what provision, if any, was made by the caucus or convention for filling vacancies caused by the death, withdrawal or ineligibility of candidates. The names of the candidates for president and vice president of the United States may be added to the party or political designation of the candidates for presidential electors. To the name of each candidate for the office of alderman at large shall be added the number of the ward in which he resides.

Designation in certain cases.

If a candidate is nominated otherwise than by a political party, the name of a political party shall not be used in his political designation, except as describing and preceding some other name or term which shall not be the name of any party which cast at the last preceding election more than three thousand votes for governor; and if so used in case of a candidate nominated by a nomination paper, the political designation shall consist of not more than two words and shall not be changed after having been placed upon the paper. Certificates of nomination and nomination papers for town offices may or may not include

a designation of the party or principle which the candidate represents.

SECTION 176. Certificates of nomination and nomination papers for state offices shall be filed with the secretary of the commonwealth; and for city and town offices, with the city or town clerk; and in Boston, with the election commissioners. Every nomination paper shall be filed by a responsible person, who shall with his own hand sign such paper and add to his signature his place of residence, giving street and number, if any; and the secretary of the commonwealth or the city or town clerk, or, in Boston, the election commissioners, shall require a satisfactory identification of such person. No nomination paper shall be received or be valid unless the written acceptance of the candidate thereby nominated shall be filed therewith.

Nominations
to be filed, etc.

Acceptance to
be filed with
nomination
paper.

SECTION 177. Certificates of nomination for offices to be filled by all the voters of the commonwealth shall be filed on or before the fifth Monday, and nomination papers on or before the fourth Monday, preceding the day of the election. Certificates of nomination for all other candidates for offices to be filled at a state election shall be filed on or before the third Thursday, and nomination papers, on or before the third Friday, preceding the day of the election; but if there is a special election to fill any state office, certificates of nomination shall be filed on or before the twelfth day, and nomination papers, on or before the eleventh day, preceding the day of such election.

Last days for
filing with
secretary of
the common-
wealth.

In cities, except Boston, certificates of nomination for city offices shall be filed on or before the third Monday, and nomination papers on or before the second Wednesday preceding the day of the election.

In cities,
except Boston.

In Boston, certificates of nomination for city offices, except for school committee, shall be filed on or before the third Friday preceding the day of the election, and nomination papers for all city offices on or before the eleventh day after the primaries. Certificates of nomination of candidates for school committee shall be filed on or before the ninth day after the primaries.

In Boston.

In towns, certificates of nomination for town offices shall be filed on or before the second Saturday, and nomination papers, on or before the Monday, preceding the

Last days for
filing in
towns.

day of the election; but if such Saturday falls on a legal holiday, said certificates of nomination shall be filed on or before the preceding day, and if such Monday falls on a legal holiday, said nomination papers shall be filed on or before the succeeding day; but if a town election is held on a day of the week other than Monday, such certificates of nomination and nomination papers shall be filed respectively on or before the ninth and seventh days preceding the day of the election.

Last hour for filing.

Certificates of nomination and nomination papers shall be filed before five o'clock in the afternoon of the last day fixed for the filing thereof.

Nominations valid unless objected to, etc.

SECTION 178. When certificates of nomination and nomination papers have been filed, and are in apparent conformity with law, they shall be valid unless objections thereto are made in writing. Such objections to nominations of candidates for state offices shall be filed with the secretary of the commonwealth, for city offices with the city clerk, or in Boston with the election commissioners, and for town offices with the town clerk; and in the case of state offices within the seventy-two week-day hours, in the case of city offices within the forty-eight week-day hours, and in the case of town offices within the twenty-four week-day hours, succeeding five o'clock in the afternoon of the last day fixed for the filing of nomination papers for such offices.

Objections, etc., by whom considered.

SECTION 179. Objections to certificates of nomination and nomination papers for state offices, and all other questions relating thereto, shall be considered by the state ballot law commission; to nominations for city offices, except in Boston, by the board of registrars, the city clerk and the city solicitor; in Boston, by the ballot law commission of said city; and to nominations for town offices, by the board of registrars.

May summon witnesses, etc.

The boards constituted in cities and towns may, at hearings on such objections and questions, summon witnesses, administer oaths and require the production of books and papers. Such witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties for default, as witnesses before the superior court. A summons may be signed, and an oath may be administered by any member of such board, and the decision of a majority of the members thereof shall be final.

When such objection has been filed, notice thereof shall be forthwith mailed by the secretary of the commonwealth, or by the city or town clerk, or election commissioners, respectively, to the candidates affected thereby, addressed to their residences as given in the certificates of nomination or nomination papers, and to any party committee interested in the nomination to which objection is made.

Notice to candidates and committees.

If more candidates bearing the same political or other designation are nominated for an office, otherwise than by nomination papers, than are to be elected thereto, such boards shall determine the candidates, if any, entitled to such designation.

Determination when several candidates have same designation.

SECTION 180. A person nominated as a candidate for any state, city or town office may withdraw his name from nomination by a request in writing signed by him and acknowledged before a justice of the peace and filed with the officer with whom the nomination was filed, in the case of a state office within the seventy-two week-day hours, in the case of a city office within the forty-eight week-day hours, and in the case of a town office within the twenty-four week-day hours, succeeding five o'clock in the afternoon of the last day fixed for the filing of nomination papers for such office.

Withdrawal of names of candidates.

SECTION 181. If a candidate nominated for a state, city or town office dies before the day of election, or withdraws his name from nomination, or is found to be ineligible, the vacancy may be filled by the same political party or persons who made the original nomination, and in the same manner; or, if the time is insufficient therefor, the vacancy may be filled, if the nomination was made by a convention or caucus, in such manner as the convention or caucus may have prescribed, or, if no such provision has been made, by a regularly elected general or executive committee representing the political party or persons who held such convention or caucus. In the event of the withdrawal or death of any candidate of a political party nominated by direct nomination for any office, the vacancy may be filled by a regularly elected general or executive committee representing the election district in which such vacancy occurs, or, if no such committee exists, by the members of the ward and town committees in the wards and towns comprising such district. If a vacancy is caused by withdrawal, certificates of nomination made otherwise

Nomination in case of death, withdrawal, etc.

than in the original manner shall be filed within seventy-two week-day hours in the case of state offices, or within forty-eight week-day hours in the case of city or town offices, succeeding five o'clock in the afternoon of the last day for filing withdrawals. They shall be open to objections in the same manner, so far as practicable, as other certificates of nomination. No vacancy caused by withdrawal shall be filled before the withdrawal has been filed.

No vacancy to be filled before withdrawal has been filed. Certificate in case of nomination to fill vacancy.

SECTION 182. When a nomination is made to fill a vacancy caused by the death, withdrawal or ineligibility of a candidate, the certificate of nomination shall, in addition to the other facts required, state the name of the original nominee, the fact of his death, withdrawal or ineligibility, and the proceedings had for filling the vacancy; and the presiding officer and secretary of the convention or caucus, or the chairman and secretary of an authorized committee, shall sign and make oath to the truth of the certificate, and it shall be accompanied by the written acceptance of the candidate nominated.

To be accompanied by written acceptance. Certificates, etc., public inspection, preservation, etc.

SECTION 183. Certificates of nomination, nomination papers, objections thereto and withdrawals, when filed, shall, under proper regulations, be open to public inspection, and the secretary of the commonwealth and the several city and town clerks, and in Boston the election commissioners, shall preserve the same in their respective offices for one year.

Blanks for nomination.

SECTION 184. The secretary of the commonwealth shall, upon application, provide blank forms for the nomination of candidates for all state offices; and he shall send blank forms for certificates of nomination for the office of representative in the general court to the clerk of each city and town for the use of any caucus or convention held therein for the nomination of candidates for that office. He shall likewise provide the clerks of towns wherein official ballots are used with blank forms for the nomination of candidates for town offices.

STATE BALLOT LAW COMMISSION.

State ballot law commission, appointment, term, etc.

SECTION 185. There shall be a state ballot law commission consisting of three persons, one of whom shall annually in June or July be appointed by the governor with the advice and consent of the council, for a term of

three years from the succeeding first day of August. The governor with the advice and consent of the council may remove any member of the commission, or fill any vacancy therein for the remainder of the unexpired term. There shall always be on said commission a member of each of the two leading political parties.

SECTION 186. No member of said commission shall hold any public office except that of justice of the peace or notary public, or be a candidate for public office, or member or employee of any political committee. If any member of the commission shall be nominated as a candidate for public office and shall not in writing decline said nomination within three days, he shall be deemed to have vacated his office as a member of said commission.

Not to hold certain other public office, etc.

SECTION 187. The state ballot law commission may summon witnesses, and administer to them oaths, and may require the production of books and papers at a hearing before it upon any matter within its jurisdiction. Witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties as witnesses summoned before the general court. A summons may be signed and an oath may be administered by any member of said commission.

May summon witnesses, administer oaths, etc.

SECTION 188. The decision of a majority of the members of the commission upon any matter within its jurisdiction shall be final.

Decision to be final.

SECTION 189. The members of the state ballot law commission shall each be paid such compensation for their services, not exceeding five hundred dollars annually, as the governor and council may determine; and the total expenditures by and on account of said commission shall not exceed the sum of two thousand dollars in any one year.

Compensation.

PART 3.

WARDS AND VOTING PRECINCTS.

SECTION 190. A city may, in the year nineteen hundred and fifteen, and in every tenth year thereafter, before the first day of May, by vote of its city council, make a new division of its territory into such number of wards as may be fixed by law. The boundaries of such wards shall be so arranged that the wards shall contain, as nearly as can be ascertained and as may be consistent with well-

Wards, new division of cities into.

Secretary of the commonwealth to be notified.

Voting precincts, designation, etc.

Division of wards into voting precincts, time, boundaries, etc.

Voting precincts under new division of wards.

New division, when to take effect.

Map or description of new precincts

defined limits to each ward, an equal number of voters. The city clerk shall forthwith give notice in writing to the secretary of the commonwealth of the number and designations of the wards so established.

SECTION 191. Each city shall be divided into convenient voting precincts, designated by numbers or letters and containing not more than one thousand voters.

Every ward shall constitute a voting precinct by itself, or shall be divided into such precincts. If a ward constituting one precinct contains less than one thousand voters, according to the registration of voters at the preceding annual city election, the aldermen may, and if it contains more than one thousand voters, shall, on or before the first Monday of July, divide it into two or more voting precincts. If a voting precinct shall, in any year, according to such registration, contain more than one thousand voters, the aldermen shall in like manner either divide such precinct into two or more voting precincts or shall make a new division of the ward into voting precincts; so that no precinct shall contain more than one thousand voters. Such precincts shall be so established as to contain, as nearly as may be, an equal number of voters, shall consist of compact and contiguous territory entirely within one ward, and be bounded, so far as possible, by the centre line of known streets or ways or by other well-defined limits.

SECTION 192. On or before the first Monday of July in the year of a re-division of a city into wards, the aldermen shall divide such city into voting precincts, conformably to the provisions of the preceding section.

SECTION 193. For all elections in the year of a re-division of a city into wards, for a special election held prior to the annual state election in the next succeeding year, and for the assessment of taxes, the wards as existing previous to such re-division shall continue, and for such purposes the election officers shall be appointed and hold office, and voting lists shall be prepared, and all other things required by law shall be done as if no such re-division had been made. For all other purposes the new division shall take effect on the first day of May of the year when it is made.

SECTION 194. When a ward has been divided into new voting precincts, or the voting precincts thereof have been

changed, the aldermen shall forthwith cause a map or description of the division to be published, in which the new precincts shall be designated by numbers or letters and shall be defined clearly and, so far as possible, by known boundaries; and they shall cause such map or description to be posted in at least ten public places in each precinct of a ward so divided, and copies thereof furnished to the registrars of voters, in Boston to the election commissioners, and the assessors, and to the election officers of each precinct so established.

to be published and posted, etc.

SECTION 195. A town may direct its selectmen to prepare a division of the town into convenient voting precincts. The selectmen shall, so far as possible, make the centre line of streets or ways, or other well-defined limits, the boundaries of the proposed precincts, and shall designate them by numbers or letters. They shall, within sixty days, file a report of their doings with the town clerk, with a map or description of the proposed precincts, and with a statement of the number of male voters registered in each for the preceding annual election. The report shall be presented by the town clerk at the next succeeding town meeting, but it shall not be acted upon except at a meeting called for the purpose, and held at least seven days after the report has been filed. The division so reported may be amended at such meeting, and shall take effect when adopted. Elections of state officers held in such town more than sixty days after such action shall be held in the precincts so established. If such report shall be rejected the town may at any time direct the selectmen to prepare a new division.

Voting precincts in towns, duty of selectmen.

Report to be presented by town clerk at town meeting, etc.

SECTION 196. A town may make any change in its voting precincts which the selectmen shall have recommended in a statement giving the boundaries, the designations of the proposed precincts and the number of voters registered in each for the preceding annual state or town election, filed with the town clerk at least seven days before a town meeting called for the purpose; but no changes other than those so proposed by the selectmen shall be made at such meeting.

Changes may be made in voting precincts.

SECTION 197. When a town has been divided into voting precincts or the voting precincts thereof have been changed, the selectmen shall post in the office of the town clerk and in at least three public places in each new

Map or description to be posted, etc.

precinct a map or description in which the new precincts shall be designated by numbers or letters, and defined clearly and, so far as possible, by known boundaries; and they shall also furnish copies thereof to the registrars of voters and the assessors of such town, and to the election officers of each precinct so established.

Voting precincts may be discontinued, etc.

SECTION 198. Any town may, at a meeting called for the purpose, discontinue its voting precincts; and subsequent elections therein shall be held as if no such division had been made. But it may, in any subsequent year, establish voting precincts as hereinbefore provided.

Secretary of the commonwealth to be notified.

SECTION 199. When wards of a city have been changed or when voting precincts in a city or town have been established, changed or discontinued, the city or town clerk shall forthwith give a notice thereof in writing to the secretary of the commonwealth, stating the number and designation of such wards or such voting precincts and in a city the wards in which they are situated.

ELECTION OFFICERS.

Election officers in cities, except Boston, appointment, etc.

SECTION 200. The mayor of every city, except Boston, shall annually, with the approval of the board of aldermen, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall, at the time of their appointment, be qualified voters in the ward of which such precinct forms a part. He may, in like manner, appoint two inspectors and two deputy inspectors in addition. Every such nomination shall be filed in the office of the city clerk of such city in the month of August, and on or before the thirty-first day of said month, and shall be acted upon by the board of aldermen not less than three days after the filing of such nomination and on or before the second Monday in September following. Such nomination shall be open to public inspection.

In Boston.

In Boston the election officers as aforesaid shall be appointed by the election commissioners except that no deputy election officers shall be appointed.

In towns divided into voting precincts.

SECTION 201. The selectmen of every town divided into voting precincts shall annually, between the first and fifteenth day of August, appoint as election officers

for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors, who shall be voters of the precinct. They may, in like manner, appoint two inspectors and two deputy inspectors in addition.

SECTION 202. Such election officers shall be so appointed as equally to represent the two leading political parties, except that, without disturbing the equal representation of such parties, not more than two of such election officers not representing either of them may be appointed. The warden shall be of a different political party from the clerk, and not more than one half of the inspectors shall be of the same political party. In each case the principal officer and his deputy shall be of the same political party. Every election officer shall hold office for one year, beginning with the fifteenth day of September succeeding his appointment, and until his successor is appointed and qualified, or until his removal. An election officer may be removed by the mayor, with the approval of the aldermen, or by the selectmen, in Boston by the election commissioners, after a hearing, upon written charges of incompetence or official misconduct preferred by the city or town clerk, in Boston by the election commissioners, or by not less than six voters of the ward, or, in a town, of the voting precinct in which the officer is appointed to act.

Election officers to equally represent the two leading political parties, etc.

Term of office.

May be removed.

SECTION 203. In Boston, the election commissioners may upon the day of any election therein, forthwith remove any election officer found to be incompetent or so conducting himself as to prejudice the public interest, and appoint some other person of the same political party in his place; and the officer so removed shall receive no compensation for services rendered on such day, and shall be disqualified for appointment as an election officer for one year thereafter.

Removal of election officers in Boston on the day of an election.

SECTION 204. If a vacancy in the number of the election officers occurs before the twentieth day of September in any year, or, in a city, after the annual state election and one week at least before the annual city election, or if an election officer declines his appointment and gives notice thereof to the city or town clerk, or in Boston to the election commissioners, before the twentieth day of September, or, if at a special election the office of an

Filling of vacancies in the number of election officers.

election officer is vacant, the mayor, with the approval of the aldermen, or the selectmen, shall fill the vacancy; and the appointment shall be so made as to preserve the equal representation of the two leading political parties. Appointments to fill vacancies may be acted upon immediately by the board of aldermen. In Boston such vacancies shall be filled by the election commissioners.

Candidates not eligible to act as election officers in certain cases.

SECTION 205. No person shall, at a state, city or town election, be eligible or act as an election officer in a voting precinct in which he is a candidate for election; and if a person who has been appointed an election officer becomes such a candidate, and does not forthwith resign his office, the mayor or selectmen, in Boston the election commissioners, shall, if he is a candidate at a state election, remove him from office before the first day of November, or, if he is a candidate at a city election, the mayor, in Boston the election commissioners, shall so remove him at least eight days before the day of the election, or if he is a candidate at a town election the selectmen shall remove him before the election.

Deputy to act in place of principal, etc.

SECTION 206. If a warden, clerk or inspector is absent at the opening of the polls or subsequently on the day of election, or if the office is vacant, the deputy of such officer shall act for that election in his place. If the warden and deputy warden, clerk and deputy clerk, or an inspector and his deputy, shall be absent, the voters of the precinct on nomination and by hand vote shall fill the vacancy, and the officer so elected shall act during the remainder of the election; but otherwise no deputy officer shall act in an official capacity or be admitted to the space reserved for election officers while the polls are open or during the counting of the votes.

Ballot clerks of precincts, detail, duties, etc.

SECTION 207. At state elections in cities and in towns divided into voting precincts, and in city elections, the presiding election officer of each voting place or precinct shall detail two inspectors of different political parties to act as ballot clerks, who shall have charge of the ballots and shall furnish them to voters.

Presiding officers in towns not divided into precincts, etc.

SECTION 208. The selectmen in towns not divided into voting precincts shall, at meetings for the election of state officers, have the powers of wardens in cities or moderators in towns, and shall act by their chairman or senior member present, who shall be regarded as the presiding election officer.

SECTION 209. At state elections in towns not divided into voting precincts, and at town elections in towns in which official ballots are used, the selectmen shall, before the opening of the polls, appoint two voters as ballot clerks, who shall have charge of the ballots and shall furnish them to voters. The selectmen or the moderator presiding at such election may subsequently appoint additional ballot clerks, not exceeding one for every four hundred voters and majority fraction thereof, and may likewise fill any vacancy after the opening of the polls. Such ballot clerks shall be so appointed as to represent the two leading political parties as equally as may be, except that such additional ballot clerks may be appointed from voters not representing either of them.

Ballot clerks in certain towns, appointment, duties.

Political representation.

SECTION 210. Every election officer before entering upon the performance of his official duties shall be sworn before the city or town clerk, a justice of the peace, or the presiding officer or clerk at the polls, and a record thereof shall be made. In Boston, the oath, except in case of vacancies filled at the polls, shall be taken before an election commissioner and record thereof made.

Oath of office of election officers.

SECTION 211. Selectmen of towns shall, at least five days before a state or town election, appoint voters as tellers to assist at the ballot box and in checking the names of voters upon the voting lists, and in canvassing and counting the votes. Presiding officers in such towns, at state and town elections, may appoint voters as additional tellers, and they shall do so when requested in writing by ten voters of the town. Tellers appointed at elections at which official ballots are used shall be so appointed that the election officers making and assisting in the canvass and count of votes shall equally represent the two leading political parties.

Tellers, appointment, duties, etc.

Political representation.

SECTION 212. Election officers shall receive such compensation for each day's actual service as the city council or the selectmen respectively may determine; but no deputy officer shall receive compensation except for attendance at the opening of the polls or for services in place of an absent officer.

Election officers, compensation.

SECTION 213. If the office of city clerk shall be vacant, or if a city clerk shall be unable to perform the duties required by this chapter, the mayor shall appoint a clerk pro tempore to perform the duties required hereunder. If the office of town clerk shall be vacant, or a town clerk

City or town clerk pro tempore.

shall be unable to perform the duties required hereunder, the selectmen shall in writing under their hands, appoint a clerk pro tempore. Such clerk pro tempore shall be sworn to the faithful performance of his duties.

Supervisors of elections, appointment, political representation.

SECTION 214. The governor, with the advice and consent of the council, shall, upon the petition in writing of ten qualified voters of a ward or of a town, presented to him at least twenty-one days before a state or city election therein, appoint for such ward or town or for each of such voting precincts as may be named in the petition, two voters of the city or town, who shall not be signers of the petition or members of any political committee or candidates for any office, to act as supervisors at such election. One supervisor shall be appointed from each of the two leading political parties. They shall be sworn to the faithful performance of their duties by the city or town clerk or by a justice of the peace. The supervisors shall attend the polling places for which they are appointed, may challenge persons offering to vote, and shall witness the conduct of the election and the counting of votes; but they shall not make any statement tending to reveal the state of the polls before the public declaration of the vote. They shall remain where the ballot boxes are kept after the polls are open and until the ballots are sealed for transmission to the officers entitled to receive them. Each supervisor may affix his signature, for the purpose of identification, to the copy of the record of votes cast, or attach thereto any statement touching the truth or fairness or conduct of the election. Supervisors shall receive such compensation for each day's actual service as the city council or the selectmen may determine.

To be sworn, powers and duties.

Compensation.

VOTING PLACES.

Polling places, designation, preparation, etc.

SECTION 215. The aldermen in cities and the selectmen of every town divided into voting precincts, and in Boston the election commissioners, shall, thirty days at least before the annual state or city election and ten days at least before any special election of a state or city officer therein, designate the polling place for each voting precinct and shall cause it to be suitably fitted up and prepared therefor. In a city or town which has provided voting booths such booths may be placed in the highways

Voting booths may be placed in highways, etc.

of such city or town, provided said highways are left reasonably safe and convenient for public travel. It shall be in a public, orderly and convenient portion of the precinct; but if no such polling place can be had within the precinct, they may designate a polling place in an adjoining precinct. No building or portion of a building shall be designated or used as a polling place in which intoxicating liquor has been sold within the thirty days preceding the day of the election. When the polling places have been designated, the aldermen, and in Boston the election commissioners, shall, in at least ten public places in each precinct of the city, and selectmen, in at least three public places in each precinct of the town, forthwith post a printed description of the polling places designated, and may give further notice thereof.

To be conveniently located, etc.

Certain buildings not to be used.

Notice to be given, etc.

SECTION 216. The board of aldermen or the selectmen, in Boston the election commissioners, shall cause each polling place in their respective cities and towns to be provided with a sufficient number of suitable marking shelves or compartments where voters may conveniently and secretly mark their ballots; and they shall cause a guard rail to be so placed that only persons who are inside thereof can approach within six feet of the ballot boxes or of the marking shelves or compartments. The ballot boxes and the marking shelves or compartments shall be in open view of persons in the polling place outside the guard rail. The number of marking shelves or compartments shall be not less than one for every seventy-five voters at such polling place, and not less than five in any voting precinct of a city, and not less than three in any town or voting precinct thereof. Each marking shelf or compartment shall at all times be provided with proper supplies and conveniences for marking the ballots.

Marking shelves and guard rails to be provided, etc.

Supplies, etc., for marking ballots.

BALLOT BOXES, VOTING MACHINES, COUNTING APPARATUS AND BLANKS.

SECTION 217. The secretary of the commonwealth shall, at the expense of the commonwealth, provide every city and town for use at every polling place therein with a state ballot box and counting apparatus approved by the board of voting machine examiners as provided in section two hundred and twenty-four of this chapter. Ballot

State ballot boxes and counting apparatus to be provided.

Blank forms
to be pro-
vided.

boxes shall be purchased by the secretary at a price not exceeding fifty dollars each. The secretary shall likewise provide every city and town for use at each polling place by the election officers in the canvass and count of votes, with suitable blank forms, approved by the secretary, the treasurer and receiver general, and the auditor of accounts, or by a majority of them.

Blanks and
envelopes for
returns of
votes, etc.

SECTION 218. The secretary of the commonwealth shall provide every city and town with suitable blank forms and envelopes for all certificates, copies of records and returns required to be made at his office, with such printed directions thereon as he may deem necessary; and such other blank forms and suggestions and instructions, as will assist the election officers in the performance of their duties. The clerk of the courts of the several counties shall in like manner provide cities and towns with suitable blank forms and envelopes for all certificates, copies of records and returns required to be made to the county commissioners and boards of examiners.

Ballot boxes
and counting
apparatus,
care, repair,
etc.

SECTION 219. The clerk of each city or town, in Boston the election commissioners, shall provide therein a place for the safe keeping of the ballot boxes and counting apparatus furnished by the commonwealth, shall have the care and custody thereof, and shall see that they are kept in good order and repair. The custody, care and repair of all such ballot boxes and apparatus shall be at the expense of the city or town, but shall be subject to the supervision and control of the secretary of the commonwealth, who may, at the expense of the commonwealth, subject to approval as aforesaid, cause necessary improvements to be made in any of such ballot boxes or apparatus.

Defective
ballot boxes,
etc., may be
replaced.

SECTION 220. If a state ballot box becomes defective or is lost or destroyed, the secretary of the commonwealth shall, upon application by the clerk of the city or town in which such box is used or by the election commissioners of the city of Boston, provide another ballot box at the expense of such city or town.

Precinct seals,
use, custody,
etc.

SECTION 221. The clerk of every city, in Boston the election commissioners, and the clerk of every town divided into voting precincts shall furnish to the clerk of each voting precinct a seal of suitable device, with a designation thereon of such precinct; and such seal shall be used in sealing all envelopes required by law to be used at the elec-

tions. The clerk of the precinct shall retain the custody of the seal, and shall, at the end of his term of office, deliver the same, with the records of the precinct and other official documents in his custody, to the city or town clerk, or election commissioners.

SECTION 222. Every city and town clerk, or in Boston the election commissioners, shall send to the election officers at each polling place, before the opening of the polls on the day of an election or meeting at which the same are required to be used, the ballot box, blank forms and counting and other apparatus.

Ballot box, apparatus, etc., to be sent to polling place.

SECTION 223. There shall be a state board of voting machine examiners, consisting of three persons, of whom one shall be an expert in patent law, and two shall be mechanical experts. Said examiners shall be appointed by the governor in the month of June in the year nineteen hundred and eight and every five years thereafter. They shall hold office for the term of five years, subject, however, to removal at the pleasure of the governor; and any vacancy shall be filled by the governor for the remainder of the unexpired term. No person shall be eligible for appointment who has a pecuniary interest in any voting machine, ballot box or counting apparatus. Their compensation shall be paid by the persons submitting the machines, boxes or counting apparatus for examination; and such compensation shall not exceed one hundred and fifty dollars to each examiner for the examination or re-examination of a machine, fifteen dollars for the examination or re-examination of a ballot box, and five dollars for the examination or re-examination of counting apparatus.

State board of voting machine examiners, appointment, term.

Certain persons not eligible.

Compensation.

SECTION 224. Said voting machine examiners shall at such times, under such conditions, and after such public notice as they shall determine, examine voting machines, ballot boxes and counting apparatus; and they shall certify to the secretary of the commonwealth their approval of such machines, ballot boxes and counting apparatus as in their judgment conform to the requirements of law. Voting machines shall furnish convenient, simple and satisfactory means of voting and of ascertaining the true result thereof with facility and accuracy, special regard being given to the prevention and detection of double voting; but no machine shall be approved which does not secure

Examination and approval of voting machines, ballot boxes and counting apparatus.

to the voter as much secrecy in voting as is afforded by the use of the official ballot. Ballot boxes shall have sufficient locks and keys or seal fastenings, and shall contain mechanical devices for receiving, registering and cancelling every ballot deposited therein; but no such box shall record any distinguishing number or mark upon a ballot. No machine, ballot box or counting apparatus except such as is approved in accordance with the provisions of this section shall be used at any election, caucus or primary in this commonwealth; nor shall any such machines, ballot boxes or counting apparatus be used except in accordance with the provisions of this and the four following sections.

Only approved machines, ballot boxes and counting apparatus to be used.

Purchase and use of voting machines.

SECTION 225. A city or town may, at a meeting held not less than ten days before the annual city election in a city and before the annual town meeting in a town, determine upon and purchase one or more voting machines, approved as provided in the preceding section, and order the use thereof at elections of state, city or town officers in said city or town; and thereafter at all elections of state, city or town officers in said city or town, until otherwise ordered by the aldermen in a city and the selectmen in a town, said machines shall be used for the purpose of voting for the officers to be elected at such elections and for taking the vote upon the question of granting licenses for the sale of intoxicating liquors and upon other questions submitted to the voters, and shall also be used at caucuses if in a town or in a ward of a city, fifty voters, members of the political party whose caucus is to be held, sign and file such request with the city or town clerk. In Boston, the power to determine upon, purchase and order the use of voting machines shall be vested in a board consisting of the election commissioners and the mayor of the city; and the expense so incurred shall be deemed an expense of the election department of said city; and the machines so purchased shall be used at such elections, caucuses and primaries in that city as the election commissioners may from time to time determine.

Persons of whom voting machines or ballot boxes are purchased to give bond, etc.

SECTION 226. When voting machines or ballot boxes are purchased by the commonwealth or a city or town the persons of whom the purchase is made shall give to the secretary of the commonwealth or city or town clerk as the case may be a bond with sufficient sureties to keep such machines or ballot boxes in working order for two years at their own expense. Such persons shall also give

a bond with sufficient sureties, conditioned to defend and indemnify the commonwealth or cities and towns purchasing and using the machines or ballot boxes, against any suit at law or in equity, and for any expense, damage or inconvenience which they may incur or suffer by reason of any suit brought against them for infringement of patents, arising from the purchase or use of such machines or ballot boxes.

SECTION 227. The secretary of the commonwealth shall make regulations for the use of the voting machines, ballot boxes and counting apparatus approved by the state board of voting machine examiners, and shall prepare and furnish suitable instructions for the voters in cities and towns in which such machines, ballot boxes and counting apparatus are used.

Regulations for use of voting machines, ballot boxes and counting apparatus.

SECTION 228. No voting machine shall be used at an election, caucus or primary until it has been inspected under the direction of the secretary of the commonwealth, and found upon such inspection to conform to drawings and specifications to be filed in the office of the secretary by the board of examiners, with their report on the machine, nor shall any ballot box or counting apparatus be so used until it has been inspected and approved under the direction of the secretary.

Voting machines, ballot boxes and counting apparatus to be inspected.

PREPARATION AND FORM OF BALLOTS.

SECTION 229. All ballots for use in elections of state officers shall be prepared and furnished by the secretary of the commonwealth; all ballots for use in elections of city officers, by the city clerk, in Boston by the election commissioners; and all ballots for use in elections of town officers, in a town which has voted to use official ballots, by the town clerk. No ballots as herein provided shall be printed in any printing establishment owned or managed by the city of Boston.

Ballots, preparation and furnishing.

Ballots not to be printed in certain establishments.

SECTION 230. General ballots for the use of male voters in a voting precinct or town shall contain the names of all candidates duly nominated for election therein, and such ballots shall, except as provided in section two hundred and thirty-two, contain the name of no other person.

General ballots.

To the name of each candidate for a state office shall be added the name of the city or town in which the candidate resides. To the name of each candidate for a city office

Residence to be added to name of candidate.

shall be added the name of the street on which he resides, with his street number, if any; and to the name of each candidate for the office of alderman-at-large shall also be added the number of the ward in which he resides.

Political
designation.

To the name of each candidate for a state or city office shall be added his party or political designation, expressed in accordance with section one hundred and seventy-five. To the name of each candidate for a town office upon an official ballot shall be added the designation of the party or principle which he represents, contained in the certificate of nomination or nomination papers. No greater number of candidates for any office, bearing the same political designation, nominated otherwise than by nomination papers, shall be placed upon the official ballot than are to be elected.

Candidates
with same
designation.

Designation
of certain
candidates
nominated by
nomination
papers.

If the name of a political party is used in connection with some other name or term as the designation of a candidate nominated for a state or city office by a nomination paper, the words "nomination paper", or "nom. paper", shall be added to such political designation.

Candidates
receiving
nomination of
more than one
party, etc.,
may direct as
to order on
ballot.

If a candidate shall receive the nomination of more than one party or more than one political designation for the same office, he may, within the seventy-two hours next succeeding five o'clock of the last day fixed for the filing of nomination papers, by a writing delivered to the officer or board required by law to prepare the official ballot, direct in what order the several nominations or political designations shall be added to his name upon the official ballot; and such directions shall be followed by the said officer or board. If, during said time, said candidate shall neglect to direct in writing as aforesaid, then said officer or board shall add said nominations or political designations to the name of said candidate upon the official ballot in such order as said officer or board shall determine.

Arrangement
of names.

SECTION 231. The names of candidates for every state, city and town office, except the names of candidates for presidential electors, shall be arranged under the designation of the office in alphabetical order according to the surnames; but the names of candidates for the same office but for different terms of service therein shall be arranged in groups according to the length of their respective terms, and the names of candidates nominated by single wards

but to be voted for at large shall be arranged in groups by wards. In the case of the office of representative in congress, the designation may be "congressman." Blank spaces shall be left at the end of the list of candidates for each different office, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office. If the approval of a constitutional amendment or any other question is submitted to the voters, it shall be printed on the ballot after the names of the candidates.

Designation for office of representative in congress.
Blank spaces to be left.

Question to be submitted to voters.

Special ballots containing only the names of candidates for school committee shall also be prepared in like manner and printed for the use of women qualified by law to vote for school committee.

Special ballots.

Ballots shall be so printed as to give to each voter an opportunity to designate by a cross [X], in a square at the right of the name and designation of each candidate, and at the right of each question, his choice of candidates and his answer to such question; and upon the ballots may be printed such directions as will aid the voter: for example, "vote for one", "vote for two", "yes", "no", and the like. On the back and outside of each ballot when folded shall be printed the words, "Official Ballot for", followed by the designation of the voting precinct or town for which the ballot is prepared, the date of election, and a facsimile of the signature of the secretary of the commonwealth, or city or town clerk, in Boston a facsimile of the signatures of the election commissioners, who has caused the ballot to be prepared. Special ballots shall have the additional indorsement, "For School Committee only".

Marking of ballots, directions for, etc.

Official indorsement.

SECTION 232. The names of candidates for presidential electors shall be arranged in groups as presented in the several certificates of nomination or nomination papers. The groups shall be arranged in the alphabetical order of the surnames of the candidates for president, and the names of the candidates in each group shall be printed upon the ballots in two columns of equal width. If candidates are nominated at large and for the several congressional districts, the name and place of residence of one of the candidates at large shall be put at the head of each column, and the names of the other candidates with

Presidential electors, arrangement of names of candidates, etc.

their places of residence and the numbers of their congressional districts shall follow in the numerical order of the districts. The surnames of the candidates of each political party for the offices of president and vice president, with the political designation thereof at the right of the surnames, shall be placed in one line above the group of candidates of such party for electors. A sufficient square in which each voter may designate by a cross [X] his choice for electors shall be left at the right of each political designation; and no other space or margin shall be left in any such group of candidates.

Official ballots, paper, size, form, type, etc.

SECTION 233. The official ballots shall, except as otherwise provided herein, be of ordinary white printing paper, of two or more pages, and shall, before distribution, be so folded as to measure not less than four and one half inches nor more than five inches in width and not less than six inches nor more than thirteen and one half inches in length. The names of all candidates shall be printed in black ink in lines at a right angle with the length of the ballot. The names of all candidates, other than candidates for presidential electors and for president and vice president, and the initial letters of all names of candidates for presidential electors, shall be in capital letters not less than one eighth of an inch nor more than one quarter of an inch in height. The surnames and political designations of the candidates for president and vice president shall be in capital letters not less than three sixteenths of an inch in height.

Special ballots to be printed on colored paper.

The special ballots for women registered to vote for school committee shall be printed on colored paper of a different color from that of specimen ballots.

Ballots, state and city elections, number to be provided.

SECTION 234. Two sets of ballots, each of not less than sixty ballots for every fifty and fraction of fifty voters, shall be provided for each polling place at which an election for state or city officers is to be held. Two sets of special ballots, each of not less than sixty ballots for every fifty and fraction of fifty women registered to vote for school committee shall be provided for each polling place at which an election for city officers is to be held.

Town elections, number to be provided.

If ballots are prepared by the town clerk, one set of general ballots of not less than sixty ballots for every fifty and fraction of fifty voters shall be provided. One set of special ballots of not less than sixty ballots for every

fifty and fraction of fifty women registered to vote for school committee shall be provided.

A sufficient number of partial ballots in state elections shall be prepared for voters who may be entitled to vote for a part only of the officers to be voted for in a city or town. A statement shall be printed on the back of such ballots, in addition to the official indorsement, indicating the class of voters for whose use the ballots are furnished, and such ballots only shall be furnished to such voters.

Partial ballots, for use in certain cases.

SECTION 235. Ballots, in convenient numbers, shall be arranged in packages. A record of the number of ballots printed and delivered to each polling place shall be kept by the secretary of the commonwealth, or the city or town clerk, for one year.

Ballots to be arranged in packages, etc.

SECTION 236. If a vacancy occurs or is declared in the list of nominations, by reason of death or ineligibility, the name of the candidate nominated to fill such vacancy shall, if the ballots have not been printed, be placed on them or, if the ballots have been printed, ballots containing the new nomination shall, when practicable, be substituted.

Printing of ballots when a vacancy occurs.

INFORMATION TO VOTERS.

SECTION 237. The secretary of the commonwealth in state elections, city clerks in city elections, in Boston the election commissioners, and town clerks in town elections at which official ballots are used, shall, for every such election, prepare and cause to be printed in large clear type cards containing full instructions to voters for obtaining ballots, marking them, obtaining assistance and new ballots in place of those accidentally spoiled; and on separate cards such abstracts of the laws imposing penalties upon voters as they shall deem proper. They shall also provide for each polling place ten or more specimen ballots which shall be facsimiles of the ballots provided for voting, but printed without the indorsements and on colored paper. The secretary of the commonwealth shall provide copies of any proposed amendment to the constitution submitted to the people, with a heading in large type, "Proposed Amendment to the Constitution".

Cards of instruction, etc.

Specimen ballots.

Copies of proposed amendments to the constitution.

SECTION 238. The secretary of the commonwealth shall, at least five days before state elections, transmit to the registrars, in Boston to the election commissioners,

Lists of candidates, etc., state elections, to be transmitted to

registrars,
etc.

printed lists of the names, residences and designations of candidates to be voted for at each polling place, substantially in the form of the official ballot, and also printed copies of any proposed amendment to the constitution. The registrars or election commissioners shall, upon the receipt thereof, conspicuously post in not less than three public places in each voting precinct or town the lists and copies aforesaid for such precinct or town.

City election,
posting,
publication.

SECTION 239. City clerks, in Boston the election commissioners, shall, at least four days before a city election, cause to be posted in every voting precinct the names, residences and designations of all candidates duly nominated to be voted for in such city, substantially in the form of the official ballot, and cause the same to be published in at least two newspapers, if there are so many published in said city, representing so far as practicable the two leading political parties.

Town election,
posting.

SECTION 240. Town clerks in towns using official ballots shall, at least four days before an election therein, cause to be posted in one or more public places the names, residences and designations of all candidates duly nominated to be voted for in such town, substantially in the form of the official ballot.

Lists of
candidates,
etc., state and
city elections,
to be pub-
lished.

SECTION 241. The secretary of the commonwealth, before state elections, shall cause to be published a list of all candidates to be voted for in the county and the question on the approval and ratification of any proposed amendment to the constitution, and the city clerks, in Boston the election commissioners, before city elections, a list of all candidates to be voted for in their respective cities. Such lists and questions shall be in the form, as near as may be, in which they are to appear upon the official ballot, and said publication shall be made for state elections in at least two newspapers in the county and for city elections in at least two newspapers in the city, if there are so many in the county or city, representing so far as practicable the two leading political parties.

DELIVERY OF BALLOTS, ETC.

Ballots, etc.,
state election,
packing.

SECTION 242. Each set of ballots, for state elections, shall be enclosed in one package by the secretary of the commonwealth, sealed and marked with the number of

ballots of each kind therein, and specimen ballots, cards of instruction and copies of any proposed amendment to the constitution shall be enclosed in another package, and the whole shall be further enclosed in a single package with marks on the outside indicating its contents and the polling place for which it is intended.

He shall transmit to the city or town clerks, in Boston to the election commissioners, at different times or by different means two sets of ballots, cards of instruction and copies of proposed amendments to the constitution, so that both sets shall be received at least twelve hours before the date of election, and the clerks or election commissioners shall return receipts therefor to the secretary. He shall keep a record of the time when and the manner in which the several packages are transmitted, and shall preserve the receipts therefor for one year.

Delivery,
record, etc.

The clerk of each city, in Boston the election commissioners, and the clerk of each town using official ballots shall enclose the ballots, specimen ballots and cards of instruction for city or town elections in the same manner.

City and
town
elections.

SECTION 243. The city or town clerk, in Boston the election commissioners, shall, on the day of every state or city election, before the opening of the polls, transmit to the election officers of each polling place therein, one set of ballots with accompanying specimen ballots, cards of instruction and copies of proposed amendments to the constitution, which have been provided for such polling place; and the presiding election officer at the polling place shall receipt therefor to the clerk, or election commissioners, and such receipt, with a record of the number of ballots transmitted, shall be kept in the clerk's or election commissioners' office for one year. The second set of ballots shall be retained by the clerk or election commissioners until the receipt by him or them of a requisition in writing of the presiding election officer of any polling place, when it shall be transmitted to such polling place in the manner above provided as to the first set. At town elections, the town clerk shall, on the day of the election, before the opening of the polls, deliver the ballots at the polling place to the ballot clerks, who shall receipt therefor, and their receipt shall be preserved in the office of the clerk for the period of one year. If a moderator presides at such election, no such ballots shall be delivered to

Delivery at
polls, state
and city
elections.

Receipt,
record.

Second set.

At town
elections.

voters until he has been chosen. The town clerk shall also deliver the specimen ballots and cards of instruction at the same time and place. No ballots or specimen ballots shall be delivered by city or town clerks except as provided in this section.

Substitute
ballots.

SECTION 244. If the ballots provided for any polling place are not delivered, or if after delivery they are destroyed or stolen, the city or town clerk, in Boston the election commissioners, shall cause similar ballots to be prepared; and upon receipt of such new ballots, accompanied by a statement by the clerk or election commissioners under oath that they have been so prepared and transmitted by him or them, and that the original ballots have not been delivered or have been so destroyed or stolen, the ballots so substituted shall be used.

CALLING OF ELECTIONS.

Annual state
election, date,
officers to be
chosen.

SECTION 245. The annual state election for the choice of governor, lieutenant governor, councillors, secretary, treasurer and receiver general, attorney-general, auditor of accounts, and senators and representatives in the general court, shall be held on the Tuesday next after the first Monday in November. There shall also be chosen at the annual state election, when required by law, presidential electors, and, in their respective districts or counties, representatives in congress, district attorneys, clerks of the courts, registers of probate and insolvency, registers of deeds, county commissioners, associate commissioners, sheriffs and county treasurers.

Calls for
election in
cities.

SECTION 246. Meetings of the voters of each city for the election of state officers and city officers shall be called by the aldermen, and the city clerk shall, under their direction, cause notice of such meetings to be printed in one or more newspapers published in such city and to be conspicuously posted in the office of the city clerk; and in Boston, in at least four daily newspapers published therein. Such notices shall be in lieu of the notices or warrants for election required in any city by special statutes. Meetings of the voters of each town for the election of state officers and town officers shall be called as provided in section three hundred and fifty-six. Meetings for the annual state, city and town elections shall be called

In towns.

Seven days'
notice to be
given.

at least seven days before the day prescribed for the holding thereof.

SECTION 247. Notices or warrants for meetings for state and city elections and for the election of town officers in towns where official ballots are used shall specify by name all the offices to be voted for, and state in full any proposed amendment to the constitution or other question submitted to the people. They shall specify the time when the polls will be opened, and in cities, when the polls will be closed, and in towns, when they may be closed.

Warrants, etc., to specify officers, etc.

To specify time for opening and closing polls, etc.

In cities, the polls may be opened as early as six o'clock in the forenoon and shall be opened as early as ten o'clock in the forenoon and shall be kept open at least six hours, but in no case after the hour of sunset.

In cities, time of opening and closing polls.

In towns, at the election of state and town officers, the polls may be opened as early as fifteen minutes before six o'clock in the forenoon and shall be opened as early as twelve o'clock, noon, and shall be kept open at least four hours, and until the time specified in the warrant when they may be closed; and they may be kept open for such longer time as the meeting shall direct, but they shall not be kept open after the hour of sunset. At annual town meetings they shall be kept open at least one hour for the reception of votes upon the question of licensing the sale of intoxicating liquors. After an announcement has been made by the presiding officer of a time so fixed for closing the polls they shall not be closed at an earlier hour.

In towns, time of opening and closing polls.

CONDUCT OF ELECTIONS.

SECTION 248. At an election of state or city officers, the presiding election officer at each polling place in a city or town shall, before the opening of the polls, post at least three cards of instruction, three copies of proposed constitutional amendments, if any, and at least five specimen ballots within the polling place outside the guard rail, and the cards of instruction and a copy of any proposed amendment in each marking compartment; and no other poster, card, handbill, placard, picture or circular intended to influence the action of the voter, except a paster to be placed upon the official ballot, shall be posted, circulated or distributed in the polling place, in the build-

State and city elections, posting instructions, etc.

Pasters to be subject to certain restrictions.

Delivering of ballots to ballot clerks.

Specimen ballots not posted to be kept in custody of presiding officer. State ballot boxes to be used, etc.

At opening of polls to be shown to be empty.

Record, custody of key.

Not to be removed from public view.

Opening of box, removal of ballots, etc.

Presiding officer to have charge of ballot box, etc.

State ballot boxes, proceeding, when impossible to use.

ing in which the polling place is located, on the walls thereof, on the premises on which the building stands or on the sidewalk adjoining the premises where such election is being held. Pastors to be placed on the official ballot shall be subject to all the restrictions imposed by sections two hundred and thirty and two hundred and thirty-three as to names, residences and political designations of candidates and the size of the type in which the names shall be printed. The presiding election officer shall, at the opening of the polls, publicly open the packages containing the ballots and deliver them to the ballot clerks. All specimen ballots not posted shall be kept in the custody of the presiding officer until after the closing of the polls.

SECTION 249. The state ballot boxes shall be used for receiving the ballots in state and city elections, and in town elections where official ballots are used. The election officers at each polling place shall, at the opening of the polls and before any ballots are received, publicly open the ballot box, and ascertain by personal examination, and publicly show that the same is empty, and shall immediately thereafter lock or fasten the box. The clerk of the precinct or town shall make a record of the condition of the box register, and, if a key is used, it shall be retained by the police officer or constable at the polling place. The ballot box shall not, after it is shown to be empty, be removed from public view until all ballots have been removed therefrom and the box has been relocked or sealed. The ballot box shall not be opened nor any ballot removed therefrom until the polls are closed, except as provided in section two hundred and seventy; but in order to make room for ballots, the presiding officer may, in the presence of all the election officers, open the box and pack and press down the ballots therein.

The presiding officer of each polling place shall have charge of the ballot box and ballot box seal, and shall, at the close of each election, return the same, either personally or by a police officer or constable in attendance at the polling place, to the city or town clerk, in Boston to the election commissioners.

If it becomes impossible to use the state ballot box, the voting shall proceed in such manner as the presiding officer shall direct, and in such case the clerk shall record the reason why such ballot box is not used, and shall enclose

an attested copy of such record in the envelope with the ballots cast. The provisions as to the use and custody of the state ballot box shall, so far as applicable, apply to the ballot box substituted therefor.

Provisions to apply to substitute.

SECTION 250. One voting list shall be delivered to the ballot clerks and another to the officers in charge of the ballot box. When a ballot is delivered to a voter, his name shall be checked on the first and when he deposits his ballot it shall be checked on the second. The officer in charge of the ballot box and the officer in charge of the voting list shall be of different political parties.

Voting lists, delivery and use.

Political representation at box and list.

SECTION 251. No election officer shall, before the public declaration of the vote, make any statement of the number of ballots cast, the number of votes given for any person, the name of any person who has voted or whose name has not been checked, or of any other fact tending to show the state of the polls.

No statement to be made before declaration of vote.

SECTION 252. No persons except the election officers, supervisors, and voters admitted for the purpose of voting, shall, during the progress of an election and until the public declaration of the vote, be permitted within the guard rail, unless authorized by the election officers for the purpose of keeping order and enforcing the law.

Persons permitted within guard rail.

SECTION 253. No more than four voters, besides election officers and supervisors, in excess of the number of marking compartments provided, shall be allowed at one time within the guard rail, and except the election officers and supervisors, no voters shall be admitted therein after the time fixed for closing the polls; but voters previously admitted shall be allowed five minutes after the time so fixed to deposit their ballots.

Number of voters allowed within guard rail.

Time for deposit of ballots at close of polls.

SECTION 254. The presiding officer at each polling place shall enforce the performance of their duties by election officers. He shall have authority to maintain order and to enforce obedience to his lawful commands, during an election and the counting of the ballots after the close of the polls, in and about the polling place and to keep the access thereto open and unobstructed, and he may require any police officer, constable or other person to communicate his orders and directions and assist in their enforcement.

Presiding officers, general powers and duties.

SECTION 255. The board or officer in charge of the police force of each city and town shall detail a sufficient number of police officers or constables for each polling

Police officers, etc., to preserve order, etc.

place at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the provisions of this chapter.

Persons smoking, etc., or having liquor, etc., to be removed.

SECTION 256. Any person who, during an election or town meeting, shall, in a polling place or place of such meeting, smoke or have in his possession a lighted pipe, cigar or cigarette, or carry into any such place or keep therein any intoxicating liquor, shall be deemed guilty of disorderly conduct; and the presiding officer shall order him to remove such pipe, cigar, cigarette or liquor, or to withdraw from such place, and for disobedience of such order shall cause him to be removed from such polling place or meeting.

Offender to be detained, etc., but not prohibited from voting.

SECTION 257. If a person at an election refuses to obey the lawful commands of the presiding officer or, by disorderly conduct interrupts or disturbs the proceedings of an election officer, the presiding officer may require any police officer, constable or other person to take him into custody and detain him until after the election; but the presiding officer may at any time order his release. Such order of detention shall not be so enforced as to prevent such person, if a voter at that polling place, from voting.

Duties of officers when law is violated.

SECTION 258. Every election officer shall forthwith report any violation of the provisions of sections two hundred and forty-five to three hundred and two, inclusive, to the police officer or constable in attendance at the polling place, and such police officer or constable shall cause the offender to be prosecuted.

MANNER OF VOTING.

Voting, giving of name, delivery of ballot, etc.

SECTION 259. Each voter desiring to vote at a polling place where official ballots are used shall give his name and, if requested, his residence to one of the ballot clerks, who shall thereupon distinctly announce the same; and if such name is found upon the voting list by the ballot clerk, he shall check and repeat the name and give one ballot to such voter, who shall then be admitted within the guard rail. If not entitled to vote for all the offices upon the ballot, he shall receive a partial ballot. If the voter is a woman, she shall receive a special ballot con-

taining the names of candidates for school committee only.

SECTION 260. The voter on receiving his ballot shall, without leaving the enclosed space, retire alone to one of the marking compartments, and shall, except in the case of voting for presidential electors, prepare his ballot by making a cross [X] in the square at the right of the name of each candidate for whom he intends to vote or by inserting the name of such candidate in the space provided therefor and making a cross in the square at the right; and, upon a question submitted to the vote of the people, by making a cross in the square at the right of the answer which he intends to give.

Marking of ballots.

SECTION 261. A voter may vote for an entire group of candidates for presidential electors by making a cross [X] in the square at the right of the party or political designation immediately above such group. If a voter does not intend to vote for any one candidate in the group, he may erase his name, and the cross shall count as a vote for each of the other candidates in such group. If a voter desires to vote for another person in place of a candidate whose name he has erased, he may insert his name in one of the blank spaces and make a cross in the square at the right thereof. A voter who does not mark for any group of candidates may vote for candidates for electors, up to the number to be elected, by inserting names in the blank spaces at the end of the groups of electors and making a cross in the square at the right of each name so inserted.

Voting for presidential electors.

SECTION 262. A voter who declares on oath to the presiding officer that he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven and cannot read, or that from blindness or other physical disability he is unable to prepare his ballot shall be assisted in the marking thereof by one or two of the election officers, who shall be of such political party, represented among the election officers, as the voter may request; and they shall certify, on the outside of the ballot that it was marked with their assistance, and shall thereafter give no information regarding the same.

Assistance in marking ballot.

SECTION 263. Except as authorized by this chapter, no voter, election officer or other person shall place any mark upon a ballot by which it may be identified; nor

Certain marks upon ballot prohibited.

shall any person place a mark against any name upon a ballot not cast by himself.

Voter spoiling
ballot may
obtain others,
etc.

SECTION 264. If a voter spoils a ballot, he may obtain two others, one at a time, upon returning each spoiled one, and all ballots so returned shall immediately be marked by an election officer "Spoiled."

Voter to fold
ballot, etc.

SECTION 265. Before leaving the marking compartment the voter shall fold his ballot, without displaying the marks thereon, as it was folded when received by him, and he shall keep it so folded until he has voted. A voter shall mark and deposit his ballot without undue delay, and shall leave the space enclosed by the guard rail as soon as he has voted. No voter shall occupy a marking compartment occupied by another, nor remain within the guard rail more than ten minutes, nor occupy a voting compartment more than five minutes, if all the marking compartments are in use and other voters are waiting to occupy the same.

Time allowed
in enclosed
space, etc.

Depositing
ballot, giving
name, etc.

SECTION 266. A voter after marking his ballot shall give his name and, if requested, his residence, to one of the officers in charge of the ballot box, who shall distinctly announce the same. If the name is found upon the voting list by the election officer, he shall distinctly repeat the name, and in Boston the height, and check the name upon the voting list; and the voter may then deposit his ballot in the ballot box with the official indorsement uppermost and in sight. No ballot without the official indorsement, except as provided in section two hundred and forty-four, shall be deposited in the ballot box. No person shall vote if his name is not on the voting list, nor until the election officer shall check his name thereon, unless he presents a certificate from the registrars of voters as provided by section sixty-four.

No ballot
without official
endorsement
to be de-
posited, etc.
Voter's name
to be checked,
etc.

Ballots not to
be removed,
etc.

SECTION 267. No person shall remove any ballot from the space enclosed by the guard rail before the polls are closed. No voter whose name has been checked on the voting list in charge of the ballot clerk, other than an election officer or supervisor, shall again enter such enclosed space during the election.

Proceedings
when vote is
challenged.

SECTION 268. If in any state, city or town election at which official ballots are used the right of a person offering to vote is challenged for any legal cause, the presiding officer shall administer to him the following oath:

You do solemnly swear [or affirm] that you are the identical person whom you represent yourself to be, that you are registered in this precinct [or town] and that you have not voted at this election.

He shall also be required to write his name and residence on the outside of the ballot offered, and the presiding officer shall add thereto the name of the person challenging, and the cause assigned therefor, whereupon such ballot shall be received; and no person shall make any statement or give any information in regard thereto, except as required by law. The clerk shall record the name and residence of every person who has been challenged and has voted.

COUNTING OF VOTES.

SECTION 269. The blank forms and apparatus provided by the secretary of the commonwealth shall be used in ascertaining the result of the election or vote in state elections in cities and towns, in city elections, in elections of town officers in towns in which official ballots are used, and also in taking the vote upon any proposed amendment to the constitution, upon the question of granting licenses for the sale of intoxicating liquors, and upon any other question submitted by statute to the voters of the commonwealth, or of any city or town in which official ballots are used. If it is impossible to use such blank forms or apparatus, the canvass of the votes shall be made as the presiding officer shall direct; and the clerk shall record the facts relating to the failure to use such blank forms or apparatus, and shall enclose an attested copy of such record in the envelope with the ballots cast.

State blanks and apparatus to be used, etc.

SECTION 270. If the state ballot box is used, the clerk shall, as soon as the polls are closed, record the ballot box register. The election officers shall then, publicly and in the presence of the other election officers, count audibly and distinctly the number of names checked on each list and announce the same. The ballot box shall then be opened by the presiding officer and the ballots taken therefrom and audibly counted, one by one, and the whole number of ballots cast shall be publicly announced by him. The ballots may be divided into convenient packages, and, except as hereinafter provided, each block or package shall

Proceedings when impossible to use.

Proceedings at close of polls.

Canvass of ballots, etc.

be canvassed and counted by two election officers representing the two leading political parties, detailed by the presiding officer. Each election officer, in so canvassing and counting votes, shall be under the inspection of an election officer of a different political party. The result of the canvass and count shall be reported to the presiding officer, who shall cause it to be correctly recorded on the blank forms provided for the purpose. At state elections in towns not divided into voting precincts, the canvass and count of votes shall be made by the selectmen and town clerk, who may be assisted by the tellers.

At state elections in towns not divided into voting precincts.

Announcement of result, etc.

The clerk in open meeting shall publicly announce the result of the vote and enter in his records, in words at length, the total number of names of male and female voters checked on the voting lists, the total number of ballots cast, the names of all persons voted for, the number of votes for each person and the title of the office for which he was a candidate, the number of blank ballots for each office, and the number of affirmative and negative votes in answer to any question submitted to the voters, and shall forthwith make a copy of such record, certify and seal up the same, and deliver it to the city or town clerk, in Boston to the election commissioners, who shall forthwith enter it in his or their records.

Ballots, proceedings, etc., to be kept in open view, etc.

The voting lists and all ballots removed from the ballot box shall be kept in open view of the voters present until enclosed and sealed up, and all proceedings in the canvass and counting of votes shall be public and in open view of the voters, and there shall be no adjournment or postponement until the canvass and counting have been completed, and the voting lists and ballots have been enclosed and sealed up.

Removal of ballots from ballot box before voting has ceased, counting, etc.

In towns, the ballot box at any polling place may be opened and ballots taken therefrom for counting when all the selectmen and the town clerk, or both the moderator and the town clerk, as the case may be, or all the election officers at the voting precinct shall so order. When the ballots have been thus removed the presiding officer shall select from the election officers an equal number from each of the two leading political parties, who shall canvass such ballots, in accordance with the provisions of this section; but no announcement of the result of such canvass shall be made by any election officer until the total result of the canvass of ballots has been ascertained.

No announcement to be made, etc.

SECTION 271. If the use of a state ballot box is required, no ballot shall be counted unless it has been deposited in and cancelled by such ballot box, or has been otherwise deposited according to the provisions of section two hundred and forty-nine; and no ballot shall be counted in any election for which official ballots are provided except such ballots. If a voter marks more names than there are persons to be elected to an office, or if his choice cannot be determined, his ballot shall not be counted for such office. Ballots cast but not counted shall be marked "defective" on the outside thereof, and shall be preserved like other ballots.

Certain ballots not to be counted.

Defective ballots.

SECTION 272. The presiding officer at every polling place at elections of state and city officers and of town officers in towns in which official ballots are used shall, after the record of the counting has been made, cause all ballots cast to be publicly enclosed in an envelope and sealed up with the seal provided for the purpose, and also with the private seal of any election officer who may desire to affix the same; and a majority of the election officers of the voting precinct or town shall indorse upon such envelope the polling place, the election and the date, and also a certificate that all the ballots cast by the voters of such precinct or town, and none other, are contained therein. He shall cause all ballots not cast to be enclosed in an envelope and sealed up as aforesaid, and shall certify on the envelope the contents thereof. Such presiding officer shall cause the voting lists to be enclosed in an envelope and sealed up as aforesaid, and a majority of the election officers shall certify thereon to the identity of the voting lists enclosed. He shall forthwith personally deliver to the city or town clerk, or in Boston to the election commissioners, or transmit to him or them, by the police officer or constable in attendance at the election, all the ballots cast, and not cast, the voting lists, the ballot box, ballot box seals and counting apparatus.

Ballots cast to be sealed up, endorsed, etc.

Ballots not cast to be sealed up and certified.
Voting lists to be sealed up and certified.

Ballots, voting lists, etc., to be delivered to city or town clerk or election commissioners.

SECTION 273. Upon written application, signed by at least ten voters in the town or ward of which the precinct forms a part, the city or town clerk, and in Boston the election commissioners, may open the envelope containing such voting list and may make a copy of the list as checked. In Boston, such copies shall contain only the name and residence of the voter. After any such voting list has been so copied, said clerk or election commissioners shall

Copies of voting lists as checked may be furnished.

Voting lists to be again sealed and certified.

at once enclose the list in an envelope and seal up the same and certify thereon to the identity of such lists.

Ballots cast,
custody, de-
struction, etc.

SECTION 274. City and town clerks, in Boston the election commissioners, shall retain in their custody the envelope containing the ballots cast, without examining them or permitting them to be examined by any person except as required by law, and upon the expiration of the period fixed for their preservation shall cause such ballots to be destroyed.

Voting lists
and ballots
not cast,
custody, dis-
position, etc.

City and town clerks, in Boston the election commissioners, shall retain in their custody the voting lists and ballots not cast as long as they retain the ballots cast. They shall then transmit such voting lists to the registrars of voters for future reference, and shall destroy the ballots marked "Spoiled", without examining them or permitting them to be examined, and may make such disposition of the undistributed ballots as they may deem proper.

RECORDS AND CERTIFICATES OF ELECTION.

Record not to
be rejected
when votes
can be
ascertained.
Examination
of precinct
records, cor-
rection, etc.

SECTION 275. No record of votes cast or copy thereof shall be rejected if the number of votes given for each candidate for an office can be ascertained therefrom.

SECTION 276. The aldermen and city clerk, in Boston the election commissioners, and the selectmen and town clerk in towns divided into voting precincts, shall forthwith after a state or city election examine the copies of the records of the election officers, and if any error appears therein, they shall forthwith give notice thereof to the officers by whom the error was made, who shall forthwith make an additional record under oath in conformity with the facts and deliver a copy thereof to the city or town clerk or election commissioners. Such copy of the records made, with or without notice as aforesaid, shall be received by the city or town clerks or election commissioners at any time before the last day fixed for the transmission of copies of records of the votes cast in the city or town, or on which the results of the election are required to be declared.

Examination
of precinct
records,
certification of
copies, etc.

The aldermen and city clerk, the election commissioners, and the selectmen and town clerk, shall examine all original and all additional copies of the records and make them part of the records of such election, and shall certify

and attest copies of the records of votes for the several candidates.

SECTION 277. The clerk of each city and town, within ten days, and in Boston the election commissioners, within fifteen days, after the day of any election therein for representative in congress, governor, lieutenant governor, councillor, secretary, treasurer and receiver general, auditor of accounts, attorney-general, clerk of courts, register of probate and insolvency, sheriff, district attorney, or senator, or for presidential electors, shall transmit to the secretary of the commonwealth copies of the records of votes for such officers, certified by the aldermen or the selectmen, or by the election commissioners, and attested and sealed by the clerk or by said commissioners. The city or town clerk shall, within ten days after an election for county treasurer or register of deeds, transmit to the county commissioners, and within ten days after an election therein for county commissioners or associate commissioners, transmit to the clerk of the courts the records of votes for such officers, certified, attested and sealed as aforesaid; except that in Chelsea, Revere and Winthrop the records of votes for register of deeds shall be transmitted to the election commissioners of Boston, and that in Revere and Winthrop the records of votes for county commissioner and associate commissioners shall be transmitted to the clerk of the courts for the county of Middlesex. Such copies shall be transmitted in envelopes, upon which shall be stated the offices for which and the districts in which the votes were cast.

Returns of votes to secretary of the commonwealth.

Returns of votes to county commissioners and clerks of courts, etc.

For register of deeds, Suffolk county.

For county commissioners, etc., Revere and Winthrop, etc.

To be transmitted in envelopes properly indorsed.

Proceedings when copy is received unsealed.

SECTION 278. If any such copy transmitted to the secretary of the commonwealth is not sealed as required by law, he shall forthwith give notice thereof to the officers who transmitted the same; and thereupon another copy shall be made, attested, certified, sealed and transmitted to the secretary. If the second copy is received by him before determination of the persons appearing to be elected and the original appears to be in substantial conformity therewith, the original copy shall not be rejected.

SECTION 279. The secretary of the commonwealth shall cause the date of the receipt of each copy of the records of votes to be indorsed on the envelope containing it; and if received unsealed, a memorandum thereof shall be made on the copy.

Memorandum of receipt to be made.

Examina-
tion of returns
of votes.

SECTION 280. The secretary of the commonwealth shall lay before the governor and council the copies of the records of votes cast with their seals unbroken. The governor with at least five councillors shall, as soon as may be, open and examine all such copies and determine who are elected to the several offices. Upon such determination, the secretary, upon application, shall furnish to newspapers an abstract of the records of the votes examined.

Abstract for
newspapers.

Certificate of
examination.

SECTION 281. The governor shall, in the presence of at least five councillors, certify to the results of the examination of the copies of the records of the votes for governor and lieutenant governor, for councillors, for secretary, treasurer and receiver general, auditor of accounts, and attorney-general, and for senators and shall issue his summons to such persons as appear to be chosen to said offices. The governor shall issue certificates of election to such persons as appear to be chosen to the offices of representative in congress, clerk of the courts, register of probate and insolvency, sheriff and district attorney, which shall be countersigned and transmitted by the secretary.

Summons to
be issued.

Certificates of
election to be
issued.

Returns, etc.,
to be de-
livered to
secretary of
the common-
wealth.
To be laid
before legis-
lature.

SECTION 282. After such certification, such copies shall be replaced in their respective envelopes and delivered with the certificate of examination to the secretary, who shall on the first Wednesday in January lay the same, with schedules showing the number of ballots cast for each person voted for, before the senate and house of representatives.

To be filed in
office of
secretary.

Except for the above purposes, all such copies, both original and corrected, transmitted to the secretary, shall remain on file in his office and be there open to the inspection of any interested person.

Presidential
electors,
examination
of returns
of votes.

SECTION 283. The copies of the records of votes for presidential electors shall, in any event, within ten days after they have been transmitted to the secretary of the commonwealth be opened and examined by the governor and council, who shall thereafter declare, by proclamation printed in at least one newspaper in each county, the names of the persons who have received at least one fifth of the entire number of votes cast for electors, and the number of votes received by each such person. The several persons, to the number of electors required to be chosen, who have received the highest number of votes so ascertained, unless notice of a contest has been received

Proclamation.

Certificates of
election to be
issued unless
contested.

by the governor, shall, at the expiration of fourteen days from the date of such proclamation, be deemed to be elected; and the governor shall thereupon issue a certificate of election to every such person.

SECTION 284. Any person who appears, by the proclamation of the governor, to have received not less than one fifth of the entire number of votes cast for electors, may, if the election is contested, apply by petition to the supreme judicial court for the county of Suffolk, for a declaration of his election as an elector. Such petition shall set forth the name of every person whose election is contested and the ground for the contest shall be filed within seven days after the date of such proclamation and shall not thereafter be amended. Before any proceedings thereon, the petitioner shall recognize to the commonwealth, in such sum and with such sureties as the court shall order, to pay all costs incurred in the prosecution of his petition if he shall not prevail. If the petitioner prevails, the costs shall be paid by the commonwealth. The court shall fix a day for a hearing by the full court, which shall be not less than three nor more than seven days after the date of the filing of the petition, and shall order notice of the hearing to be given, with a statement of the substance of the petition in such manner as it may direct, to the governor and to every person whose election is contested. The court shall also order such notice to be published in at least one newspaper designated by it in each county.

Certain persons may petition for a declaration of election, etc.

Day to be fixed for hearing, notice, etc.

SECTION 285. The petitioner and the contestant may appear and produce evidence at the hearing, and no person other than the petitioner or a contestant shall be made a party to the proceedings on such petition, or be heard thereon. If more than one petition is pending, or the election of more than one person is contested, the court may, in its discretion, order the cases to be heard together and shall apportion the costs between them, and shall finally determine all questions of law and fact. No person shall be excused from testifying or producing papers or documents therein on the ground that his testimony or the production of the papers or documents will tend to criminate him; but no person so testifying shall be liable to any suit or prosecution, civil or criminal, for any matter or cause in respect to which he shall be so examined or to which his testimony shall relate, except to a prosecution

Petitioner and contestant may appear and produce evidence, etc.

Witnesses not to be excused.

Not liable to prosecution, etc.

Court to
certify its
decision to
governor, etc.

for perjury committed in such testimony. The court shall forthwith certify its decision to the governor, who shall thereupon issue certificates of election in accordance therewith. If the petitioner does not prosecute his petition it shall be dismissed and notice thereof given to the governor, who shall issue certificates of election to the persons entitled thereto.

County com-
missioners to
examine cer-
tain returns of
votes, etc.

SECTION 286. The county commissioners to whom the copies of the records of votes for county treasurer and register of deeds have been transmitted shall, on the first Wednesday of the month following the election, examine such copies, determine what persons appear to be elected, issue certificates of election to them and give notice to the secretary of the commonwealth of the name, residence and term of office of every person elected.

Notice to
secretary of
the common-
wealth, etc.

Returns of
votes for
register of
deeds, Suffolk
county.

In the county of Suffolk, the election commissioners of Boston shall, within ten days after the election of register of deeds, in like manner examine the copies of the records of votes, determine who appears to be elected, issue a certificate and give notice as above provided.

Board of ex-
aminers to
examine in
certain coun-
ties, etc.

SECTION 287. In each county except Suffolk and Nantucket, the judge and register of the probate court and the clerk of the courts shall be a board of examiners; and if two of said offices are held by the same person in any county, the sheriff shall be a member of the board. The members of said board shall each be paid at the rate of three dollars a day for every day employed in the performance of their duties and ten cents a mile for travel to and from the place of their meeting; and their accounts shall be audited and settled by the county treasurer. Said board shall meet on the first Wednesday of the month following an election for county commissioner or associate commissioners and shall examine such copies, determine what persons appear to be elected, issue certificates of election to them and give notice to the secretary of the commonwealth of the name, residence and term of office of every person so elected, and shall, within three days thereafter deposit said copies in the office of the clerk of the courts.

Notice to
secretary of
the common-
wealth, etc.

When incom-
plete, etc.,
new returns
to be made,
etc.

SECTION 288. If it shall appear to the governor and council, to the board of examiners, to the election commissioners or to the county commissioners, that any such copy is incomplete or erroneous, they may order a new

copy of the records to be made and transmitted to them. Such new copy shall be transmitted by the city or town clerk, in Boston by the election commissioners, within seven days thereafter, and if found to be correct and in conformity to the requirements of law, shall have the same force as a first copy.

SECTION 289. If a district for the election of representatives in the general court is composed of one city or town, or one or more wards of a city, the board of aldermen or the selectmen, in Boston the election commissioners, shall forthwith examine the records of the votes and determine who appear to be elected. The city or town clerk or election commissioners shall record the names of all persons for whom votes for representative were cast, and the number of votes for each.

Representative district, one city or town, etc., examination, record.

SECTION 290. In other representative districts, the election officers in every voting precinct, and the selectmen and town clerk of each town therein not divided into voting precincts, shall, as soon as the vote for representatives has been recorded, cause a complete copy of such record to be made, and shall certify, seal and deliver it to the city or town clerk.

In other districts copy of record to be delivered to city or town clerk.

The city and town clerks in such districts shall meet at the place designated at noon on the tenth day following the day of the election; but on the fourth day following the day of an election to fill a vacancy. They shall examine the copies of the records of votes of every such voting precinct and town, and determine who appear to be elected to the office of representative. They shall, in words at length, make and certify a schedule of the names of all persons for whom votes for representative were cast in the district and the number of votes for each, and the clerk of each city and town shall record such schedule within four days after the day of the meeting.

Clerks to meet and determine election, etc.

SECTION 291. If a representative district is included within the provisions of the preceding section, the officers authorized to divide the county into representative districts shall, in making such division, designate a place in each such district or adjacent thereto at which the clerks shall meet to determine the result of the election. Such place of meeting may be changed on petition of two of such clerks after a hearing; but not oftener than once in two years. Notice of such designation and of every

Designation of place of meeting of clerks.

Place may be changed.

Notice to be given.

change thereof shall be given by the said officers having such authority to the secretary of the commonwealth, and to every city and town clerk in the district.

Correction of errors in records of votes for representatives.

SECTION 292. If an error appears in the copies of the records of votes for a representative, the city and town clerks shall forthwith give notice thereof to the election officers, who shall thereupon make an additional record under oath and transmit a copy thereof to said clerks. Such additional copy shall be examined by them if received within two days from the time appointed for their meeting; and for such purpose their meeting may be adjourned for not more than two days.

Certificates of election to be made in duplicate.

SECTION 293. The board of aldermen, the election commissioners, the selectmen, or the city or town clerks acting in a representative district shall make duplicate certificates of election of the persons appearing to be elected and shall, within fifteen days after the day of the election, transmit one certificate to the secretary of the commonwealth, and shall transmit the other certificate, by a constable or other officer, to the person elected. Such certificates of election shall be in the following form: —

Transmission.

Form of certificate.

Commonwealth of Massachusetts, county of . At a meeting of the qualified voters of Representative District Number , held on the day of November instant, for the choice of Representatives in the General Court to be holden on the first Wednesday of January next , were elected to said office.

Dated at the day of in the year one thousand nine hundred and .

Officer transmitting to make return, etc.

Sections one to four, inclusive, of chapter three, Revised Laws, this section and section three hundred and five of this chapter shall be printed on every such form. The officer transmitting the certificate shall make a return of his doings.

Returns of votes to secretary of the commonwealth.

SECTION 294. City and town clerks, in Boston the election commissioners, shall, within fifteen days after an election for representative in the general court, transmit to the secretary of the commonwealth an attested copy of the record of votes cast for all candidates for said office in each voting precinct and in each town not divided into voting precincts.

Whole number of ballots to be stated

SECTION 295. The whole number of ballots cast at elections shall be stated in words at length in the records

of votes and in all copies thereof, but if not so stated, the record or copy shall not be invalid if the true result can be ascertained therefrom.

in words at length, etc.

SECTION 296. A violation by a public officer or election officer of laws relative to providing ballot boxes, blank forms and other apparatus or to the care and preservation thereof, or to the manner of canvassing and counting votes, shall not invalidate any record or copy of a record or certificate made by a city, precinct or town clerk, or in Boston the election commissioners, or affect the title of a person declared to be elected to office.

Violation of certain provisions not to affect, etc.

SECTION 297. The city or town clerk, in Boston the election commissioners, shall, within fifteen days after an election of state, city or town officers, certify to the secretary of the commonwealth the total number of names of male and of female voters checked on the voting list at such election in each voting precinct or town.

Number of names checked to be certified to secretary of the commonwealth.

SECTION 298. The secretary of the commonwealth shall, before the first day of February, report to the general court the number of assessed polls, the number of registered male and female voters at the date of the preceding annual state election and city or town election, and the total number of persons, male and female, who voted at each such election in every city and town, and in every voting precinct therein, and the number of votes received by each candidate for a state office, arranged by cities, towns and districts, and a concise statement of other matters relating to elections, with such suggestions as he may deem advisable.

Report of number of assessed polls, registered voters, etc.

RECOUNTS OF VOTES.

SECTION 299. If a person who has received votes for any office at an election shall, within thirty days thereafter, himself or by his agent serve upon a city or town clerk, in Boston the election commissioners, a written claim to such office or a declaration of an intention to contest the election of any other person, the clerk or commissioners shall retain the envelopes containing the ballots for such office until such claim is withdrawn or the contest is determined. The envelopes and ballots shall be subject to the order of the body to which such person claims to be elected, or of the officers required by law finally to examine the records and to issue certificates of election to such office, or of any court having jurisdiction

Contested election, ballots to be retained.

Recount of
ballots, etc.

Errors in
records of
election
officers, state-
ment, etc.

Statement,
etc., to be
transmitted to
registrars of
voters.

Determination
of questions
raised.

Recount of
votes in cer-
tain towns to
be made by
moderator.

Candidates
and persons
representing
petitioners to
be notified.

Persons who
may be present
and witness
recount.

thereof. Such body or officers may require the clerk or commissioners to produce such envelopes and ballots, and may recount the ballots and amend any record or copy thereof in relation to such office.

SECTION 300. If, on or before five o'clock on the third day next succeeding the day of an election in a ward of a city or in a town, ten or more voters of such ward or town, except Boston, and in Boston fifty or more voters of a ward, shall sign in person, adding thereto their respective residences on the first day of May of that year, and cause to be filed with the city or town clerk, or in Boston with the election commissioners, a statement sworn to by one of the subscribers that they have reason to believe and do believe that the records, or copies of records, made by the election officers of certain precincts in such ward or town, or in case of a town not voting by precincts, by the election officers of such town, are erroneous, specifying wherein they deem them to be in error and that they believe a recount of the ballots cast in such precincts or town will affect the election of one or more candidates voted for at such election, specifying the candidates, or will affect the decision of a question voted upon at such election, specifying the question, the city or town clerk shall forthwith transmit such statement and the envelopes containing the ballots, sealed, to the registrars of voters, who shall, without unnecessary delay, open the envelopes, recount the ballots and determine the questions raised; but upon a recount of votes for town officers in a town in which the selectmen are members of the board of registrars of voters, the recount shall be made by the moderator, who shall have all the powers and perform all the duties conferred or imposed by this section upon registrars of voters.

The registrars of voters, or in Boston the election commissioners, shall, before proceeding to recount the ballots, give notice in writing to the several candidates interested in such recount and liable to be affected thereby, or to such person as shall be designated by the petitioners for a recount of ballots cast upon questions submitted to the voters, of the time and place of making the recount, and each such candidate or person representing petitioners shall be allowed to be present and witness such recount, either in person, accompanied with counsel if he so de-

sires, or by an agent appointed by him in writing. In the case of a recount of the ballots cast upon a question submitted to the voters, one representative from any committee organized to favor or to oppose the question so submitted shall be permitted to be present and witness the recount. In the city of Boston, the chairman of the city committee representing the largest political party and the chairman of the city committee representing the second largest political party may in writing designate two persons, or such further number as the election commissioners may allow, to be present and witness the count, and said election commissioners shall allow each candidate whose election is in question, or his representative, to be present and may allow representatives of other political parties and other persons to be present and witness the recount.

In Boston.

All recounts shall be upon the questions designated in the statements filed, and no other count shall be made, or allowed to be made, or other information taken, or allowed to be taken, from the ballots on such recount.

Recounts to be upon questions designated in statements, etc.

The registrars of voters or election commissioners shall, when the recount is complete, enclose all the ballots in their proper envelopes, seal each envelope with a seal provided for the purpose, and certify upon each envelope that the same has been opened and again sealed in conformity to law; and shall likewise make and sign a statement of their determination of the questions raised. The envelopes, with such statement, shall, except in Boston, be returned to the city or town clerk, and the clerk or commissioners shall alter and amend such records as have been found to be erroneous in accordance with such determination; and the records so amended shall stand as the true records of the election. Such amended records of votes cast at a state election shall be made and transmitted as required by law in the case of copies of original records. If, in case of a recount of votes for town officers, it shall appear that a person was elected other than the person declared to have been elected, the registrars of voters shall forthwith make and sign a certificate of such fact, stating therein the number of votes cast, as determined by the recount, for each candidate for the office the election to which is disputed, and shall file the same with the town clerk. The town clerk shall record the certificate and

Envelopes to be sealed and indorsed, etc.

Except in Boston to be returned to city or town clerk, etc.

Amended records, certificates of election, etc.

shall, within twenty-four hours after such filing, cause a copy of such certificate, attested by him, to be delivered to or left at the residence of the person so declared to have been elected, and to the person who by such certificate appears to be elected.

Clerical assistance.

Registrars of voters may employ such clerical assistance as they may deem necessary to enable them to carry out the provisions of this section.

No information to be given regarding challenged votes.

SECTION 301. No officer recounting ballots shall, except as required by law, make any statement or give any information relative to a ballot cast by a challenged voter.

Result of elections in cities not to be declared until certain time, etc.

SECTION 302. The board of aldermen, or in Boston the election commissioners, shall not declare the result of an election for state or city officers or of a vote upon any question submitted to the voters until the time for filing a petition for a recount of ballots has expired, or, if such petition has been filed, until the ballots have been recounted and the returns amended, notwithstanding any special act relating to such city. After the ballots have been recounted and the records amended, said board or commissioners shall forthwith declare the result of the election, and the city clerk or election commissioners shall thereupon issue certificates of their election to the persons elected. No person elected to a city office shall act in an official capacity by virtue of such election before such certificate has been issued.

Persons elected not to act until certificates are issued.

PART 4.

PROCEEDINGS IN CASES OF FAILURE TO ELECT, AND VACANCIES IN STATE OFFICES.

Presidential electors, failure to elect a majority.

SECTION 303. If, upon examination of the copies of the records of votes for presidential electors, it appears that a majority of the whole number of electors has not been chosen, the governor shall forthwith, by proclamation, call together the general court; and the senators and representatives assembled in joint convention shall by ballot choose electors to complete the full number.

Vacancy or absence at time of meeting.

If the whole number of electors has not been chosen when the electors meet on the second Monday in January, or if an elector has died or is then absent, the electors present shall forthwith choose electors from the citizens of the commonwealth to complete the full number.

SECTION 304. Upon a failure to choose a representative in congress or upon a vacancy in said office, the governor shall cause precepts to be issued to the aldermen in every city and the selectmen in every town in the district, directing them to call meetings of the voters on the day appointed therein for the election of such representative.

Representative in congress, failure to elect or vacancy.

SECTION 305. Upon a failure to choose a representative in the general court at the annual state election, a certificate thereof shall be transmitted forthwith to the secretary of the commonwealth by the officers required to transmit certificates of election, and another election to fill the vacancy for such representative shall be held on the fourth Monday of the same month of November.

Representative in general court, failure to elect.

Upon a vacancy in the office of representative in the general court or upon the failure to elect on the fourth Monday of November, the speaker of the house of representatives shall issue precepts to the board of aldermen of each city and the selectmen of each town comprising the district or any part thereof, appointing such time as the house of representatives may order for an election to fill such vacancy. Upon the receipt of such precepts, the aldermen or the selectmen shall call meetings of the qualified voters in the district, which shall be held in accordance with the precepts.

Vacancy.

SECTION 306. Upon a failure to choose a district attorney, clerk of the courts, register of probate and insolvency or sheriff, the governor shall cause precepts to be issued to the proper officers, directing them to call meetings of the voters on the day appointed therein, for the election of such officer.

District attorney and county officers, failure to elect.

Upon a vacancy by removal or otherwise in any of the above named offices, he shall in like manner cause precepts to be issued for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued.

Vacancy.

Upon a vacancy in the office of district attorney, register of probate and insolvency or sheriff, the governor with the advice and consent of the council may appoint some person thereto until a district attorney, register of probate and insolvency or sheriff is elected and qualified. Upon a vacancy in the office of clerk of the courts in any county, or of the clerk of the supreme judicial court in the county of Suffolk, the justices of said court may ap-

Vacancy, appointment.

point a clerk who shall hold the office until a clerk is elected and qualified.

Vacancy, clerk
of superior
court, Suffolk
county.

Upon a vacancy in the office of a clerk of the superior court in the county of Suffolk, the justices of said court may appoint a clerk.

County treas-
urer, register
of deeds,
failure to elect.

SECTION 307. Upon a failure to choose a county treasurer or a register of deeds for a county or district, except the counties of Suffolk and Nantucket, the county commissioners shall forthwith issue precepts to the board of aldermen of each city and the selectmen of each town in such county or district, directing them to call meetings of the voters for the election of such officer on a day appointed therein.

Vacancy.

Upon a vacancy by removal or otherwise in the office of county treasurer or of register of deeds in a county or district, except the counties of Suffolk and Nantucket, the county commissioners shall in like manner issue precepts for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued, and may appoint some person to fill such office until a person is elected thereto and qualified.

Register of
deeds, Suffolk
county, failure
to elect,
vacancy.

Upon a failure to choose a register of deeds in the county of Suffolk, or upon a vacancy in that office, the board of aldermen of the city of Boston shall call meetings to elect a register of deeds or to fill such vacancy, as is above provided for an election in other counties; and, upon a vacancy in that office in said county of Suffolk, the superior court shall appoint some person to the office until a person is elected thereto and qualified.

Register of
deeds, Nan-
tucket county,
failure to elect,
vacancy.

Upon a failure to choose a register of deeds in the county of Nantucket, or upon a vacancy in that office, the selectmen of the town of Nantucket shall call a meeting to elect a register of deeds as is above provided for an election in other counties, and may appoint some person to the office until a person is elected thereto and qualified.

County or
special com-
missioner,
failure to elect.

SECTION 308. Upon a failure to choose a county commissioner or associate commissioner, the board of examiners shall forthwith issue precepts to the board of aldermen of each city and to the selectmen of each town in such county, directing them to call meetings of the voters to elect such officer on a day appointed therein. In the county of Middlesex, such precept shall also be

issued to the selectmen of the towns of Revere and Winthrop.

Upon a vacancy by removal or otherwise in the office of county commissioner or associate commissioner, the board of examiners shall in like manner issue precepts for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued, except that no such election shall be held unless the term of office of the commissioner whose office is so vacant extends beyond the first Wednesday of January next succeeding the day of such election.

Vacancy,
election.

Upon a vacancy in said offices, the county commissioners or the two remaining county commissioners, as the case may be, and the clerk of the courts for the county, or a majority of them, may appoint some person to fill such office until a person is elected thereto and qualified.

Vacancy,
appointment.

SECTION 309. If there is a vacancy in the office of district attorney, clerk of the courts, register of probate and insolvency, sheriff, county treasurer, register of deeds, county commissioner or associate commissioner, the term of which expires on the first Wednesday of January following the next annual state election for which precepts can be seasonably issued, no precepts shall be issued or election held to fill such vacancy.

District at-
torney or
county officers,
vacancy.

SECTION 310. The county commissioners in each county shall forthwith notify the secretary of the commonwealth of any vacancy in the office of county treasurer or of register of deeds; and the board of examiners shall give like notice to the secretary of any vacancy in the office of county commissioner or associate commissioner, and in each case they shall send to him a copy of the precepts issued by them for an election.

Secretary of
the common-
wealth to be
notified.

Copy of pre-
cepts to
secretary.

SECTION 311. At elections held because of a failure to elect or to fill vacancies, the proceedings shall be the same, so far as applicable, as in elections to the same office at the annual state election.

Elections to
fill vacancies,
proceedings.

PROCEEDINGS OF PRESIDENTIAL ELECTORS.

SECTION 312. The persons chosen as presidential electors shall meet at the state house on the Saturday preceding the second Monday in January succeeding their election at three o'clock in the afternoon and organize by

Presidential
electors,
meeting,
organization.

the choice of a presiding officer and secretary. The secretary of the commonwealth shall call the meeting to order, call the roll of electors, and preside until a presiding officer shall be chosen.

Proceedings.

If, on the second Monday in January, the whole number of electors has not been chosen, or if any electors have died or are then absent, the electors present shall forthwith choose electors from the citizens of this commonwealth to complete the full number. They shall thereupon vote by ballot for president and vice president of the United States, one of whom at least shall not be an inhabitant of this commonwealth. They shall name in their ballots the person voted for as president, and in distinct ballots, the person voted for as vice president. They shall make distinct lists of all persons voted for as president and of all persons voted for as vice president and of the number of votes for each, and shall sign, certify and transmit such lists, sealed, to the seat of government of the United States, directed to the president of the senate; and they shall in all respects proceed conformably to the constitution and laws of the United States. The secretary of the electoral college shall keep a journal of its proceedings and deposit the same in the office of the secretary of the commonwealth, where it shall be recorded and filed.

Journal to be kept, etc.

Compensation.

SECTION 313. Each elector shall receive from the commonwealth three dollars for each day of attendance, and one dollar for every five miles of travel from his residence to the place of meeting.

CORRUPT PRACTICES.

Term "political committee" defined.

SECTION 314. The term "political committee", under the provisions of this chapter relative to corrupt practices, shall apply to every committee or combination of three or more persons who shall aid or promote the success or defeat of a political party or principle in a public election or shall aid or take part in the nomination, election or defeat of a candidate for public office.

Candidate not to promise appointments to aid his nomination or election, etc.

SECTION 315. No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, himself or through another person, promise to appoint, or promise to secure or assist in securing the appointment, nomination or election of another

person to a public position or employment or to a position of honor, trust or emolument, except that he may announce or define what is his choice or purpose in relation to an election in which he may be called to take part, if elected.

SECTION 316. No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, himself or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses or to a political committee as hereinafter provided. The words "personal expenses", as used in this chapter, shall include only expenses directly incurred and paid by a person for travelling and for purposes properly incidental to travelling; for writing, printing and preparing for transmission any letter, circular, or other publication not issued at regular intervals, whereby he states his position or views upon public or other questions; for stationery and postage; for telegraph, telephone and public messenger service; and for other similar personal purposes.

Payments by candidates regulated.

Term "personal expenses" defined.

SECTION 317. A person who is nominated as a candidate or voted for with his assent for public office, may make a voluntary payment of money or a voluntary and unconditional promise of payment of money to a political committee for the promotion of the principles of the party which it represents, and for its general purposes.

Voluntary payment to political committee.

SECTION 318. No person shall, directly or indirectly, himself or through another person, make a payment or promise of payment to a political committee or to any person acting under its authority or in its behalf, in any name except his own; nor shall such committee or person knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any other name than that of the person by whom it is made.

Payments, etc., to be in name of payer, etc.

SECTION 319. No political committee, and no person acting under its authority or in its behalf, shall demand, solicit, ask or invite, from a person who has been nominated as a candidate for office in an election a payment of money, or promise of payment of money, to be used in such election; and no such candidate shall make any such payment to a political committee or to any person acting under its authority or in its behalf, if such committee

Soliciting, etc., money from candidate prohibited, etc.

Candidate not to pay money when solicited.

or person has demanded, solicited, asked or invited from him any such payment or promise of payment.

No payments to be made for naturalization fees, etc.

SECTION 320. No political committee and no person who is required to file a statement shall make any payment or promise of payment of money to or in behalf of any person for naturalization fees or for services as counsel or otherwise in assisting any one to obtain naturalization.

Every political committee to have a treasurer, etc.

SECTION 321. Every political committee shall have a treasurer, who is a voter of the commonwealth, and shall cause him to keep detailed accounts of all money or its equivalent, received by or promised to the committee, or by or to any person acting under its authority or in its behalf, and of all expenditures, disbursements and promises of payment or disbursement made by the committee or by any person acting under its authority or in its behalf. No person acting under its authority or behalf shall receive any money or its equivalent, or expend or disburse the same, until the committee has chosen a treasurer.

Receipts or disbursements prohibited until treasurer is chosen.

Persons acting for committee to give detailed account to treasurer, etc.

SECTION 322. Whoever, acting under the authority or in behalf of a political committee, receives any money or its equivalent, or promise of the same, or expends or incurs any liability to pay the same, shall, on demand, and in any event within fourteen days after such receipt, expenditure, promise or liability, give to the treasurer a detailed account of the same, with all vouchers required by this chapter, which shall be a part of the accounts and files of such treasurer.

Treasurer to file statement, contents.

SECTION 323. The treasurer of every political committee which receives, expends or disburses any money or its equivalent, or incurs any liability to pay money in connection with any nomination or election to an amount exceeding twenty dollars, shall, within thirty days after such election, file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee and of every officer and other person acting under its authority or in its behalf. It shall include the amount in each case received, the name of the person or committee from whom received, the date of its receipt, the amount of every expenditure or disbursement, the name of the person or committee to whom it was made, and the date thereof; and, unless such expenditure or disbursement was made to another political committee, shall clearly state the purpose

of such expenditure or disbursement; also the date and amount of every existing promise or liability, both to and from such committee, remaining unfulfilled and in force when the statement is made, the name of the person or committee to or from whom the unfulfilled promise or liability exists, and a clear statement of the purpose for which the promise or liability was made or incurred. If the aggregate receipts or disbursements of a political committee in connection with any election shall not exceed twenty dollars, the treasurer of the committee shall, within thirty days after the election, certify the fact under oath to the secretary of the commonwealth.

SECTION 324. Whoever, acting otherwise than under the authority or in behalf of a political committee having a treasurer, receives money or its equivalent, or expends or disburses, or promises to expend or disburse money or its equivalent, to an amount exceeding twenty dollars, to aid or promote the success or defeat of a political party or principle in any election, or to aid or influence the nomination, election or defeat of a candidate for office, shall file in the city or town in which he is a voter, the statement required by the preceding section, and shall be subject to all the duties required by this chapter of a political committee or the treasurer thereof; but no person except a voter of the commonwealth shall receive, expend or disburse any money or its equivalent or promise to expend or disburse any money or its equivalent, for either of the purposes above named, except for personal expenses as is herein provided, or under the authority or in behalf of a political committee.

Other persons
subject to
requirements.

SECTION 325. Every candidate for nomination to a public office shall, within seven days after the last day of filing nominations for such office, and every candidate for election to a public office shall, within seven days after the election held to fill such office, file a statement in writing setting forth each sum of money and thing of value contributed or promised by him, except for his own personal expenses, for the purpose of securing or in any way affecting his nomination or election to such office, and the name of the political committee to which the contribution or promise was made, and the date thereof.

Candidates to
file state-
ments.

SECTION 326. The statement required to be filed by a candidate, treasurer or other person shall be filed with

Filing of state-
ments, oath.

the clerk of the city or town in which such candidate, treasurer or other person is a voter. In case the nomination to which such statement relates is a nomination to a state or national office, or the election is a state or national election, a duplicate shall be filed with the secretary of the commonwealth. Whoever makes a statement required by the provisions of this chapter shall make oath that it is in all respects correct and true to the best of his knowledge and belief.

Statements to
be inspected.

Delinquent
persons to be
notified.

Complaint,
form, filing.

Attorney-
general to be
notified, etc.

SECTION 327. The secretary of the commonwealth shall inspect all statements filed with him, and the clerks of cities shall inspect all statements relating to nominations and to city elections filed with them, within sixty days after the election to which they relate, and if upon examination of the official ballot it appears that any person has failed to file a statement as required by law, or if it appears to the secretary that any such statement filed with him does not conform to law, or if it appears to a city clerk that such statement relating to a city nomination or election does not conform to law, or upon complaint in writing by five registered voters that a statement does not conform to law, or that any person has failed to file a statement required by law, the secretary or city clerk shall in writing notify the delinquent person. Such complaint shall state in detail the grounds of objection, shall be sworn to by one of the subscribers, and shall be filed with the secretary or with the proper city clerk within ninety days after the election in question, or within sixty days after the filing of a statement or amended statement.

SECTION 328. Upon the failure to file a statement within ten days after receiving notice under the preceding section, or if any statement filed as above discloses any violation of any provision of this chapter relating to corrupt practices in elections, the secretary of the commonwealth or the city clerk, as the case may be, shall notify the attorney-general thereof and shall furnish him with copies of all papers relating thereto, and the attorney-general, within two months thereafter, shall examine every such case, and if he is satisfied that there is cause, he shall in the name of the commonwealth institute appropriate civil proceedings or refer the case to the proper district attorney for such action as may be appropriate in the criminal courts.

SECTION 329. The supreme judicial court or the superior court may compel any person who fails to file a statement as above required, or who files a statement which does not conform to the foregoing requirements in respect to its truth, sufficiently in detail, or otherwise, to file a sufficient statement, upon the application of the attorney-general or district attorney or petition of any candidate voted for, or of any five persons qualified to vote at the election on account of which the expenditures, or any part thereof, were made or are alleged to have been made. Such petition shall be filed within sixty days after such election, if the statement was filed within the thirty days required, but a petition may be filed within thirty days of any payment not included in the statement so filed. Proceedings under this section shall be advanced upon the request of either party for speedy trial. No petition brought under this chapter shall be discontinued without the consent of the attorney-general.

Courts may compel the filing of statements, etc.

SECTION 330. No person who is called to testify in any proceedings under the preceding section shall be liable to criminal prosecution under this chapter or otherwise for any matters or causes in respect of which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

Witness not liable, except, etc.

SECTION 331. All statements shall be preserved for fifteen months after the election to which they relate, and shall, under reasonable regulations, be open to public inspection.

Statements to be preserved, etc.

SECTION 332. Every payment required to be accounted for shall, unless the total expense payable to any one person is less than five dollars, be vouched for by a receipted bill stating the particulars of expense, and every voucher, receipt or account hereby required shall be preserved for six months after the election to which it relates.

Vouchers, accounts, etc., preservation.

SECTION 333. The secretary of the commonwealth shall at the expense of the commonwealth furnish to the city and town clerks, and in Boston to the election commissioners, blanks in form approved by the secretary and by the attorney-general, suitable for the statements required by law. On the receipt of a list of candidates for public office before a caucus or primary, or upon the filing of a nomination before a municipal election, the election commissioners in Boston, and the clerk of any other city or the

Blank forms to be furnished.

town clerk shall transmit to the candidate or candidates put in nomination, and to the treasurers of political committees, the blanks above described. Upon the filing of a nomination before a state or national election the secretary of the commonwealth shall transmit to the candidate or candidates put in nomination, and to the treasurers of the political committees, the blanks above described. To any person required to file a statement such blanks shall be furnished upon application therefor.

Nominations and elections to which provisions shall apply.

SECTION 334. The provisions of this chapter relative to corrupt practices shall apply to all public elections, except of town officers, and to elections by the general court and by city councils, and by either branch thereof, to the nomination by primaries, caucuses and conventions and nomination papers of candidates to be voted for at such elections. Sections three hundred and fourteen, three hundred and sixteen and three hundred and eighteen shall not apply to the proprietors and publishers of publications issued at regular intervals, in respect to the ordinary conduct of their business.

INQUESTS IN ELECTION CASES.

Inquests upon violations of election laws.

SECTION 335. Upon a complaint subscribed and sworn to by any person before a police, district or municipal court or a trial justice, alleging that reasonable grounds exist for believing that any law relating to the assessment, qualification or registration of voters, or to voting lists or ballots, or to caucuses, primaries, conventions and elections, or to any matters pertaining thereto, has been violated, such court or justice may at once hold an inquest to inquire into such alleged violation of the law.

Inquests may be private, etc.

SECTION 336. The court or trial justice may exclude all persons whose presence is not necessary at such inquest; and may also direct the witnesses to be kept so separated that they cannot converse with each other until they have been examined. The attorney-general, the district attorney, or some person designated by either, shall attend the inquest and examine the witnesses.

Examination of witnesses.

Witnesses, attendance, fees, etc.

SECTION 337. Such court, justice or attorney may issue subpoenas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties, as if served

with a subpoena in behalf of the commonwealth in a criminal prosecution before such court or trial justice.

SECTION 338. Such court or trial justice may employ a stenographer and may have the proceedings reduced to writing; and if he finds that the law has been violated, shall report to the superior court all the material facts and the names of any persons guilty of any such violation.

Stenographer may be employed, etc.

SECTION 339. The court or trial justice may bind over, as in criminal prosecutions, such witnesses as are necessary, or as said attorney may designate, to appear and testify in the superior court.

Witnesses may be bound over to appear, etc.

SECTION 340. If a person charged by the report with the commission of an offence is not in custody, the court or trial justice shall forthwith issue a process for his apprehension; but such process may issue before the filing of said report, if otherwise lawful.

Certain persons may be apprehended.

SECTION 341. No person shall be excused from testifying or producing any papers in any inquest proceedings under this chapter on the ground that his testimony may tend to criminate him or subject him to a penalty or forfeiture, but he shall not be prosecuted or be subjected to a penalty or forfeiture for or on account of any action, matter or thing concerning which he may so testify, except for perjury committed in such testimony.

Witnesses not liable, except, etc.

OFFICERS TO BE ELECTED AT STATE ELECTIONS.

SECTION 342. At the annual state election there shall be chosen by the voters of the commonwealth, as prescribed by the constitution, a governor, lieutenant governor, secretary of the commonwealth, treasurer and receiver general, auditor of accounts, and attorney-general; by the voters in each councillor district, one councillor; by the voters in each senatorial district, one senator; and by the voters in each representative district, such number of representatives as the district is entitled to elect.

State officers to be elected annually.

SECTION 343. At the annual state election in each year in which presidential electors are required to be elected, a number of electors, equal to the whole number of senators and representatives in congress to which the commonwealth is entitled, shall be chosen by the voters of the commonwealth.

Presidential electors.

Representatives in congress.

SECTION 344. At the annual state election in every even numbered year a representative in congress shall be chosen by the voters in each congressional district.

District attorneys.

SECTION 345. At the annual state election in the year nineteen hundred and seven, and in every third year thereafter, a district attorney shall be chosen by the voters in each of the districts into which the commonwealth is divided for the administration of the criminal law.

Clerks of courts.

SECTION 346. At the annual state election in the year nineteen hundred and eleven, and in every fifth year thereafter, a clerk of the supreme judicial court for the county of Suffolk, and two clerks of the superior court, one for civil and one for criminal business, shall be chosen by the voters in said county; and, by the voters in each of the other counties, a clerk of the courts who shall act as clerk of the supreme judicial court, of the superior court and of the county commissioners.

Registers of probate and insolvency.

SECTION 347. At the annual state election in the year nineteen hundred and eight, and in every fifth year thereafter, a register of probate and insolvency shall be chosen by the voters of each county.

Register of deeds.

SECTION 348. At the annual state election in the year nineteen hundred and eleven, and in every fifth year thereafter, a register of deeds shall be chosen by the voters of each district for the registry of deeds, and of each county not divided into districts.

County commissioners.

SECTION 349. At the annual state election there shall be chosen by the voters of the county of Middlesex and of the towns of Revere and Winthrop, one county commissioner for said county and towns, and by the voters of each of the other counties, except the counties of Suffolk and Nantucket, one county commissioner for the county.

Associate commissioners.

At the annual state election in the year nineteen hundred and seven, and in every third year thereafter, there shall likewise be chosen by the voters of the county of Middlesex and of the towns of Revere and Winthrop, two associate commissioners for said county and towns, and by the voters of each of the other counties, except the counties of Suffolk and Nantucket, two associate commissioners for the county.

Not more than one commissioner from same city or town.

Not more than one of the county commissioners and associate commissioners shall be chosen from the same city or town. If two persons residing in the same city or town shall appear to have been chosen to said offices, the

person only who receives the larger number of votes shall be declared elected; but if they shall receive an equal number of votes, no person shall be declared elected. If a person residing in a city or town in which a county commissioner or an associate commissioner who is to remain in office also resides, shall appear to have been chosen, he shall not be declared elected. If the person is not declared elected by reason of the above provisions, the person receiving the next highest number of votes for the office, and who resides in another city or town, shall be declared elected.

SECTION 350. At the annual state election in the year nineteen hundred and seven, and in every third year thereafter, a sheriff shall be chosen by the voters in each county.

Sheriffs.

SECTION 351. At the annual state election in the year nineteen hundred and nine, and in every third year thereafter, a county treasurer shall be chosen by the voters in each county, except the counties of Suffolk and Nantucket.

County treasurers.

SECTION 352. At the annual state election in the year nineteen hundred and fifteen, and in every tenth year thereafter, nine commissioners shall be elected for the county of Suffolk, for the performance of the duties hereinafter specified. Five of said commissioners shall be residents of and voters in the city of Boston and shall be elected by the voters of that city; two shall be residents of and voters in the city of Chelsea and shall be elected by the voters of that city; one shall be a resident of and a voter in the town of Winthrop and shall be elected by the voters of that town; and one shall be a resident of and a voter in the town of Revere and shall be elected by the voters of that town. Said commissioners shall hold office for one year from the first Wednesday of January next after their election. At their first meeting, they shall organize by choosing a chairman, who shall be one of their number, and a clerk. The city of Boston shall provide them with a suitable office and room for hearings and shall allow and pay to them for compensation a sum not exceeding five hundred dollars each, said sum to be determined by the governor and council, and a further sum of not more than seven hundred dollars for clerk hire, stationery and incidental expenses.

Commissioners to apportion Suffolk county into representative districts.

Term of office, organization.

City of Boston to provide office, etc.
Compensation, clerk hire, etc.

The said commissioners shall, on the first Tuesday of August next after the secretary of the commonwealth shall have certified to them the number of representatives to

Duties.

which the county of Suffolk may be entitled, as determined by the general court, assemble in the city of Boston, and, as soon as may be, shall so divide said county into representative districts of contiguous territory as to apportion the representation of said county, as nearly as may be, according to the number of voters in the several districts. Such districts shall be so formed that no ward of a city and no town shall be divided, and no district shall be so formed that it shall be entitled to elect more than three representatives. The districts shall be numbered by the commissioners, and a description of each district, its number and the number of voters therein shall be transmitted to the secretary of the commonwealth, to the board of election commissioners of the city of Boston, to the treasurer of the city of Boston, to the city clerk of the city of Boston, to the city clerk of the city of Chelsea, to the clerk of the town of Revere and to the clerk of the town of Winthrop and shall be filed and kept in their respective offices.

Terms of office
of certain
officers.

SECTION 353. District attorneys, county commissioners, associate commissioners, sheriffs and county treasurers shall hold their several offices for terms of three years, and registers of deeds, clerks of the courts and registers of probate and insolvency for terms of five years, beginning with the first Wednesday of January in the year succeeding their respective elections and until their successors are chosen and qualified.

To be
residents, etc.

SECTION 354. District attorneys, registers of deeds and county treasurers shall be residents of the counties or districts for which they are chosen.

PART 5.

PROVISIONS APPLICABLE TO TOWN MEETINGS.

Town
meetings,
time of hold-
ing adjourn-
ments.

SECTION 355. The annual meeting of each town shall be held in February, March or April; and other meetings may be held at such times as the selectmen may order. Meetings may be adjourned from time to time, and to any place within the town.

Warrants,
notification.

SECTION 356. Every town meeting, except as herein after provided, shall be called in pursuance of a warrant, under the hands of the selectmen, directed to the con-

stables or to some other persons, who shall forthwith give notice of such meeting in the manner prescribed by the by-laws or, if there are no by-laws, by a vote of the town. The warrant shall state the time and place of the meeting and the subjects to be there acted upon, and the selectmen shall insert in the warrant all subjects the insertion of which shall, in writing, be requested of them by any ten or more voters of the town. No action shall be valid unless the subject-matter thereof is contained in the warrant. Two or more distinct town meetings for distinct purposes may be called by the same warrant.

Contents.

Certain action not valid.

Warrants may include two or more meetings.

Warrants, in case of vacancy in board of selectmen.

SECTION 357. If a majority of the selectmen shall vacate their offices, or if the full number shall fail to be elected or qualified, the selectmen in office may call a town meeting.

SECTION 358. If the selectmen unreasonably refuse to call a town meeting, a justice of the peace, upon the application of ten or more voters of the town, may call a meeting by a warrant under his hand, stating the subjects to be acted upon, directed to the constables of the town if there are any; otherwise to any of the persons applying therefor, directing them to summon the inhabitants qualified to vote in town affairs, to assemble at the time and place, and for the purposes expressed in the warrant.

Justice of the peace may issue warrants in certain cases.

SECTION 359. At every town meeting, except for the election of state officers, when moderators are not elected for the term of one year, a moderator shall first be chosen.

Moderator, election.

Any town which has so voted or hereafter votes may at any annual election of town officers elect from the inhabitants thereof by ballot, a moderator to preside at all town meetings except those for the election of state officers. His term of office shall begin as soon as he is qualified, and shall continue until the next annual town meeting and until his successor is elected and qualified. Any town which has elected a moderator for the term of one year shall thereafter elect a moderator at every annual election of town officers, unless at a meeting duly called for the purpose the town votes to discontinue the electing of moderators for said term.

May be elected for the term of one year.

If a vacancy in the said office occurs during any term it may be filled by the voters of the town at a meeting called for that purpose. If a moderator so elected is absent, a moderator pro tempore may be elected.

Vacancy.

Election of moderator for one year in certain towns, proceedings.

In towns where official ballots are used, the vote to elect moderators for the term of one year shall be taken at a meeting held at least thirty days before the annual town meeting at which the vote is to become operative, and at the first annual meeting after the town has so voted a moderator shall be chosen as provided in section three hundred and seventy to serve at that meeting, and the moderator elected on the official ballot at that meeting shall act at subsequent town meetings, except those for the election of state officers, until his successor is elected and qualified.

Who shall preside until a moderator is elected.

At every town meeting until a moderator or moderator pro tempore is elected, the town clerk shall preside, but if he is absent or if there is no town clerk, the chairman of the selectmen or the member longest in continuous service shall preside, but if no selectman is present, the justice of the peace calling such meeting, if the meeting is so called, shall preside. Such presiding officer shall have the powers and perform the duties of a moderator.

Powers and duties of moderators.

SECTION 360. The moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes, and may administer in open meeting the oath of office to any town officer chosen thereat. If a vote so declared is immediately questioned by seven or more of the voters, he shall verify it by polling the voters or by dividing the meeting unless the town has by a previous order or by its by-laws provided another method.

Speaking in town meeting regulated.

SECTION 361. No person shall address a town meeting without leave of the moderator, and all persons shall at the request of the moderator be silent. If a person, after warning from the moderator, persists in disorderly behavior, the moderator may order him to withdraw from the meeting; and if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

ELECTION OF TOWN OFFICERS.

Annual town meeting, officers to be elected.

SECTION 362. Every town at its annual meeting shall in every year, except as is otherwise provided in the following section and in sections three hundred and sixty-seven and three hundred and sixty-nine, choose from the inhabi-

tants thereof the following named town officers, who shall serve during the year:

A town clerk;

Three, five, seven or nine selectmen;

Three or more assessors; and, if the town so votes, three or more assistant assessors;

Three or more overseers of the poor;

A town treasurer, whom the town may at any meeting appoint collector of taxes;

One or more collectors of taxes, if the town so votes;

One or more auditors, who shall hold no other town office;

One or more surveyors of highways, if the town so votes;

A road commissioner, if the town has provided for such officer;

A sewer commissioner, if the town has provided for such officer;

One or more constables, who shall also be collectors of taxes, unless other persons are specially chosen or appointed as such;

Two or more field drivers;

Two or more fence viewers; and such other town officers as are required by law then to be chosen;

A tree warden.

The town shall likewise at its annual meeting or at a meeting held in the same month in which the annual meeting occurs, choose members of the school committee, which committee shall consist of any number of persons divisible by three which the town has decided to elect, one third thereof to be elected annually, for the term of three years. If a town fails or neglects to choose such committee, an election at a subsequent meeting shall be valid. Where official ballots are used the number to be so elected shall be determined at a meeting held at least thirty days before the annual town meeting. A town may, at an annual meeting, if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting at which such change is to become operative, vote to increase or diminish the number of its school committee. Such increase shall be made by adding one or more to each class, to hold office according to the tenure of the class to which they are severally chosen. Such diminution shall be made by choosing, annually, such number as will in

School
committee.

three years effect it, and a vote to diminish shall remain in force until the diminution under it is accomplished.

Women eligible for certain offices.

Women shall be eligible as overseers of the poor and school committee.

Town clerk may be chosen for term of three years, etc.

SECTION 363. In towns which vote to accept the provisions of this section or have voted to accept the corresponding provisions of earlier laws, the town clerk may, until such acceptance is revoked at a subsequent meeting, be chosen for a term of three years; and such clerk may also serve as clerk of such officers, boards and departments of the town as the town may determine by a vote taken at said meeting or at a subsequent meeting.

Certain towns to elect a highway surveyor.

SECTION 364. In towns which vote to accept the provisions of this section or have voted to accept the corresponding provisions of earlier laws, there shall be elected at the annual town meeting in each year, until such acceptance is revoked by the town, a highway surveyor, who shall hold his office for one year. Upon the election of such surveyor, the office of road commissioner shall terminate.

When to take effect, etc.

SECTION 365. In towns where official ballots are not used, the question of the acceptance or revocation of the acceptance of either of the two preceding sections shall be voted upon only at an annual town meeting, and such vote shall take effect forthwith. In other towns, the question of acceptance or revocation shall be voted upon at a meeting held at least thirty days before the annual meeting at which such vote is to become operative.

Board of health, election, terms, etc.

SECTION 366. A town may elect a board of health consisting of three persons, who shall serve for terms of one, two and three years respectively, beginning with the day following the meeting at which they are elected, or until their respective successors are chosen and qualified; and thereafter such town shall, at its annual town meeting, choose one member of such board who shall hold office for three years from the day following such meeting and until another is chosen and qualified in his stead. If no such board is chosen, the selectmen shall act as a board of health. In every town having more than five thousand inhabitants as determined by the latest national or state census at least one member of the board, unless composed of the selectmen, shall be a physician. Where official ballots are used the question of electing a board of health

If not elected, selectmen to act.

One member to be a physician in certain towns.

When vote shall be taken where official

shall be voted upon at a meeting held at least thirty days before the annual meeting at which such vote is to become operative.

ballots are used.

SECTION 367. A town may, at an annual meeting, if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting at which such change is to become operative, vote to elect its selectmen, assessors or overseers of the poor in the following manner:—

Selectmen, assessors and overseers of the poor, election in certain towns.

If the number fixed by the town is three, it shall, at the annual meeting when such vote is passed or at the next annual meeting, elect one for the term of one year, one for the term of two years and one for the term of three years; if the number is five, it shall elect one for the term of one year, two for terms of two years and two for terms of three years; if the number is seven, it shall elect two for terms of one year, two for terms of two years, and three for terms of three years; if the number is nine, it shall elect three for terms of one year, three for terms of two years and three for terms of three years; and at each annual meeting thereafter, it shall elect one, two or three for the term of three years as the term of office of one, two or three expires.

If the number of assessors is four, the town shall elect two assessors for terms of one year and two assessors for terms of two years; and at each annual meeting thereafter it shall elect two assessors to serve for terms of two years.

SECTION 368. A town which votes to increase or diminish the number of its selectmen, assessors or overseers of the poor, may at the same meeting if an annual meeting, otherwise at the annual meeting next succeeding the meeting at which the vote was passed, elect one or more such additional officers, or omit to elect one or more such officers, so as to bring the number to the limit fixed by the vote of the town, with terms of office expiring in the manner provided in the preceding section; but one selectman, assessor and overseer of the poor shall be elected annually. A town which has voted to elect said officers as provided in the preceding section, may at an annual meeting if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting, rescind such action; but such rescission shall not affect the term of office of any such officer.

In towns voting to increase or diminish the number of selectmen, assessors or overseers of the poor.

May rescind action.

Town may vote to elect three road and three sewer commissioners.

Election, term.

May rescind action, etc.

Moderator, election of, in certain cases, ballots.

Certain ballots to be counted.

Town officers, manner of election.

SECTION 369. A town may at an annual meeting if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting, vote to elect three road commissioners and three sewer commissioners in the following manner: —

It shall, at the annual meeting when such vote is passed or at the annual meeting next succeeding the meeting at which the vote was passed, elect one for the term of one year, one for the term of two years and one for the term of three years; and at each annual meeting thereafter it shall elect one for the term of three years. A town which has voted to elect said officers as herein provided, may in like manner rescind such action; and thereupon, if at an annual meeting, the offices of road commissioners or sewer commissioners shall be abolished. If such vote is taken at a meeting held at least thirty days before the annual meeting such abolition shall take effect at the next annual meeting.

SECTION 370. The election of a moderator at a meeting for the choice of town officers shall be by ballot and the voting list shall be used thereat. When moderators are not elected for the term of one year if the number of voters registered for the annual town meeting shall exceed five hundred, no person shall print or distribute for use at the election of moderator at such meeting any ballots unless they shall be of plain white paper, in weight not less than that of ordinary printing paper, not less than five and one half nor more than six inches in length, and not less than three and one half nor more than four inches in width; shall have no printing, engraving, device or mark upon the back thereof, and, if printed, shall be printed in black ink with the name of the candidate in a line parallel with the length of the ballot, and in capital letters not less than one eighth of an inch nor more than one quarter of an inch in height. Ballots for moderator, although not in conformity with the above requirements, shall be received and counted.

SECTION 371. The election of town clerk, selectmen, assessors, overseers of the poor, town treasurer, auditor, collector of taxes, constables, road commissioners, sewer commissioners, board of health and school committee shall be by ballot; and the election of all other town officers shall be in such manner as the town may determine,

unless otherwise provided by law. A town which chooses its assessors or overseers of the poor for one year may, instead of electing such officers, provide by vote that the selectmen shall act also as assessors or as overseers of the poor, or both. Such vote shall, in any town using official ballots, be passed at a meeting held at least thirty days before the annual meeting at which such selectmen are to be chosen.

Selectmen may act as assessors or overseers of the poor in certain towns.

SECTION 372. The voting list shall be used and the name of every person voting shall be checked thereon in the election of all town officers whose election is by law required to be by ballot, and in voting upon the question of granting licenses for the sale of intoxicating liquors; but in the election of other town officers the meeting shall determine whether the voting list shall be used.

When voting list is to be used.

SECTION 373. If the town clerk, selectmen, assessors, treasurer, collector of taxes and school committee are voted for on one ballot, the moderator shall cause all such ballots when canvassed and counted, and record thereof has been made, publicly to be enclosed in envelopes, which shall be sealed and indorsed, and certified in the manner required by section two hundred and seventy-two.

Ballots to be sealed up, indorsed, etc.

SECTION 374. A person who is elected town clerk, if present at the meeting, shall forthwith be sworn, either by the moderator or by a justice of the peace, and shall at once enter upon the performance of his duties. Every town officer designated by name in section three hundred and sixty-two, unless other provision is specifically made by law, shall enter upon the performance of his duties on the day after his election or as soon thereafter as he is qualified, and shall hold office during the term fixed by law, which shall begin on the day after the annual meeting, and until another person is chosen and qualified in his stead.

Town clerk, oath.

Town officers, term of office, etc.

SECTION 375. Town officers designated by name in section three hundred and sixty-two shall, before entering upon their official duties, be sworn to the faithful performance thereof. Such oath may be administered by the moderator in open town meeting, or by the town clerk. The town clerk shall forthwith, after the election or appointment of town officers required to take an oath of office, make a list of the names of all such officers not sworn by him or by the moderator, and deliver it with

Town officers, oath of office.

Town clerk to notify certain officers.

To appear
and take oath
within seven
days, etc.

his warrant to a constable requiring him within three days to summon each such person to appear and take the oath of office within seven days after the service of such summons upon him; and the constable shall within said seven days make return thereof to the town clerk. Persons so summoned, unless exempt by law from holding the office, shall within said seven days, take the oath of office before the town clerk or before a justice of the peace, and file a certificate thereof with the town clerk.

Exemption
from liability
to hold town
office.

SECTION 376. No person shall be required to serve two terms successively in the same town office; and no person shall be required to accept the office of constable who holds a commission as an officer of the United States or of the commonwealth, who is a member of the council, of the general court, a minister of the gospel, an engineer, a member of the fire department, or who has been a constable or collector of taxes in the town within the preceding seven years. No person shall be required to serve in the office of surveyor of highways oftener than once in three years.

Depositing of
certain ballots.

SECTION 377. At any meeting for the choice of town officers in a town not using official ballots, no ballot shall be received by the moderator unless presented for deposit in the ballot box, open and unfolded, by the voter in person, and so that the moderator can know that only one ballot is presented. No moderator or other election officer shall, before the polls are closed, read or examine, or permit to be read or examined, the names contained upon any ballot.

Ballots not to
be read or
examined
before polls are
closed.

Moderator to
receive votes
of registered
voters.

SECTION 378. The moderator shall receive the votes of any person whose name is on the voting list, or who presents a proper certificate from the registrars of voters.

Ballots for
voting on
question of
granting liquor
licenses.

SECTION 379. The secretary of the commonwealth shall at least seven days before the annual meeting send to the town clerk of each town not using official ballots, ballots upon the question of granting licenses for the sale of intoxicating liquors therein, which shall contain the words: "Shall licenses be granted for the sale of intoxicating liquors in this town?" "Yes." or "No.", and no other words. Ballots of each kind shall be provided in number equal at least to the number of registered voters in such town. They shall be distributed to the voters at the polling place under the direction of the town clerk.

Distribution.

SECTION 380. No ballot shall be received from any woman who votes for school committee in a town which does not use official ballots unless it has the words "For School Committee only", on the back thereof. Such ballots shall be counted only in the choice of members of the school committee, and for no other office or purpose.

Ballots for women voting for school committee.

Counting.

SECTION 381. Towns divided into voting precincts may, for their annual town election, establish precinct voting for all town officers to be chosen thereat and for voting on the question of granting licenses for the sale of intoxicating liquors, by accepting the provisions of this section at a meeting called for the purpose and held fourteen days at least before the annual town meeting. In towns so voting, or which have accepted the corresponding provisions of earlier laws, all matters to be considered at the annual town meeting, other than the election of town officers and the question of granting licenses for the sale of intoxicating liquors, shall be in order only at a town meeting held within thirty days after the date of the annual election, and not later than the thirtieth day of April. The time and place of holding such subsequent meeting shall be stated in the warrant for the annual election, and said election, subsequent meeting and its adjournments shall be regarded as parts of the annual town meeting. The election of a moderator, except in towns where moderators are elected for the term of one year, shall be the first business in order at said subsequent meeting. Towns are not hereby authorized to vote by precincts at special elections of town officers.

Towns may establish precinct voting for town officers and on question of granting liquor licenses.

Other matters to be acted upon at a subsequent meeting.

Time and place of holding subsequent meeting, etc.

Not to vote by precincts at special elections of town officers.

Canvass of returns, etc.

SECTION 382. The town clerk and the board of registrars, upon receipt of the returns from the several precincts, shall forthwith canvass the same and immediately declare the result and notify the persons chosen as town officers as provided in section three hundred and seventy-five.

PROCEEDINGS IN CASES OF FAILURE TO ELECT, AND VACANCIES IN TOWN OFFICES.

SECTION 383. If there is a failure at an election to choose a town officer, or if a person chosen shall not accept such office, or if a vacancy shall occur, the town may, at any legal meeting, except as provided in section three hundred and eighty-six, elect a person to such office.

Vacancies, etc., in town offices, how filled.

When official ballots are used.

If, at an election of town officers for which official ballots are used, there is a failure to elect a town officer, he may be elected at an adjourned or succeeding meeting; and ballots shall be prepared and furnished for such meeting, containing the nominations already made and such as may subsequently be made for the office.

Town clerk pro tempore, election.

SECTION 384. If, at a town meeting, there is a vacancy in the office of town clerk, or if he is absent, the meeting shall elect by ballot a clerk pro tempore. The selectmen shall receive and count the votes and declare the election of such clerk. If, in case of a vacancy, other duties than those required of a town clerk at a town meeting are to be performed, or if he is unable to perform such duties, the selectmen may in writing under their hands appoint a clerk for the performance thereof, who shall be sworn and shall, in the performance of such duties, have the same powers and be subject to the same requirements and penalties as the town clerk, and he shall immediately make a record of his election or appointment.

Clerk to be appointed in certain cases, etc.

Constable, election, etc.

SECTION 385. A person chosen constable at a town meeting shall, if present, forthwith declare his acceptance or refusal of his office. If he does not accept the office, the town shall, if official ballots are not used, elect another person to the office, and continue so to elect until some person accepts the office and is sworn.

Assessors may be appointed in certain cases, etc.

SECTION 386. If the assessors of a town, or the selectmen acting as such, shall in any year fail to perform their duties, the county commissioners may appoint three or more inhabitants of the county to be assessors for such town, who shall be sworn, shall hold office until the offices of assessors are filled by the town, and shall receive from the town the compensation of assessors.

Treasurer or collector, appointment.

SECTION 387. If the office of treasurer or collector of taxes is vacant, or if the treasurer or collector is unable to perform his duties, the selectmen may in writing appoint a treasurer or collector pro tempore, who shall be sworn, give bond in like manner as the treasurer or collector chosen by the town, and hold such office until another is chosen by the town and qualified or the disability is removed. If a treasurer or collector does not, within ten days after his election or appointment, give bond, the selectmen may declare the office vacant and appoint another in his place.

To give bond, etc.

SECTION 388. If the office of an auditor in a town is vacant, the remaining auditors, if any, may perform the duties thereof and may appoint a person to aid them. If there is no remaining auditor, the selectmen shall appoint an auditor to serve until another is chosen and qualified.

Auditor,
appointment.

SECTION 389. If there is a failure to elect, or if a vacancy occurs in any town office, other than the offices of selectmen, town clerk, assessor, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, the remaining members shall give notice thereof in writing to the selectmen, who, with the remaining member or members of such board shall, after one week's notice, fill such vacancy by ballot. A majority of the ballots of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall perform the duties of the office until the next annual meeting or until another is chosen and qualified.

Certain
officers,
appointment,
election, etc.

SECTION 390. If a person removes from a town, he shall thereby vacate any town office held by him.

Vacancies,
removal
from town.

SECTION 391. The proceedings in an election held by reason of a previous failure to elect, or to fill a vacancy, and the qualifications of a person to be elected or appointed, shall be the same as in an original election.

Proceedings
at special
elections.

TOWN ELECTIONS AT WHICH OFFICIAL BALLOTS ARE USED.

SECTION 392. A town may, at a meeting called for the purpose, vote that official ballots shall thereafter be used therein; and may, at the annual town meeting or at a meeting so called and held at least thirty days before the annual town meeting, by a two thirds vote rescind such action. In town elections at which official ballots are used, nominations for town officers elected by ballot shall be made, ballots and other apparatus therefor provided, and elections of such officers conducted, in accordance with the provisions of this chapter so far as applicable.

Town may
vote to use
official
ballots, etc.

Nominations,
elections, etc.

SECTION 393. If a town votes that official ballots shall be used for the election of town officers, it shall at the same meeting determine what officers in addition to those required to be so elected shall thereafter be so chosen,

Number and
terms of
office.

Change in
officers to be
chosen by
ballot, etc.

and determine the number and terms of office, if not already fixed. No change shall thereafter be made in the officers to be chosen by ballot or in the number or terms of office thereof, except at a meeting held at least thirty days before the annual meeting at which such change is to become operative.

PART 6.

PENALTIES UPON OFFICERS.

Penalties on
assessor and
assistant
assessor.

SECTION 394. An assessor or assistant assessor who knowingly enters on any list of assessed polls, or causes or allows to be entered thereon, the name of any person as a resident of a building, who is not a resident thereof, shall for each offence be punished by imprisonment for not more than six months.

On registrar
or assistant
registrar.

SECTION 395. A registrar or assistant registrar who refuses or wilfully neglects to require, under section forty-seven, an applicant for registration to read the five lines from the constitution of the commonwealth in such manner as to show that he is neither prompted nor reciting from memory, or to write his name in the register, unless he is prevented by physical disability from so doing, or unless he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, or distinctly to announce the name of an applicant for registration before entering his name upon the register, or who knowingly prevents or seeks to prevent the registration of any legal voter, or who knowingly registers the name of any person not qualified to vote, or who is guilty of any fraud or corrupt conduct in the execution of the duties of his office, shall be punished by imprisonment for not more than six months.

On member of
listing board
or police
officer in
Boston.

SECTION 396. A member of the listing board or a police officer in Boston who knowingly enters on any list of male persons or women voters, or causes, or allows to be entered thereon, the name of any person as a resident of a building, who is not a resident thereof, shall for each offence be punished by imprisonment for not more than one year.

Same subject,
etc.

SECTION 397. A member of the listing board or a police officer in Boston upon whom a duty is imposed by this chapter, who refuses or wilfully neglects or wilfully fails to perform such duty, or who wilfully performs it con-

trary to law, shall for each offence, if no other penalty is specifically imposed therefor, be punished by imprisonment for not more than one year.

SECTION 398. An officer of a primary, caucus or convention who knowingly makes any false count of ballots or votes, or makes a false statement or declaration of the result of a ballot or vote, or knowingly refuses to receive any ballot offered by a person qualified to vote at such primary, caucus or convention, or wilfully alters, defaces or destroys any ballots cast, or voting lists used thereat, before the requirements of this chapter have been complied with, or declines or wilfully fails to receive any written request made as therein required, or declines or wilfully fails to perform any duty or obligation imposed thereby shall be punished by imprisonment for not more than three months.

On officer of a primary, caucus or convention.

Any such presiding officer, secretary or clerk of a caucus who wilfully neglects or refuses to comply with the requirements of section one hundred and eleven shall be punished by a fine of not more than fifty dollars for each offence.

On caucus officer who neglects to comply with requirements of § 111.

SECTION 399. A caucus officer who violates any of the provisions of section one hundred and one shall be punished by imprisonment for not more than one year.

On caucus officer violating provisions of § 101.

SECTION 400. A supervisor appointed under section two hundred and fourteen, violating any provision thereof, shall be punished by imprisonment for not more than one year.

On supervisor violating provisions of § 214.

SECTION 401. An election officer who, before the public declaration of the vote at an election, makes any statement of the number of ballots cast, of the number of votes given for any person, of the name of any person who has voted, of the name of any person which has not been voted on, or of any other fact tending to show the state of the polls, shall be punished by imprisonment for not more than thirty days.

On election officer.

SECTION 402. A presiding officer at a caucus, primary or state or city election, or at an election in a town at which official ballots are used, who, when the right of a person offering to vote is challenged for any legal cause, wilfully or negligently fails to require the name and residence of such person to be written upon the ballot offered by him, and to add thereto the name of the person chal-

On presiding officer.

lenging and the assigned cause, before such ballot is received, shall be punished by imprisonment for not more than one year.

On officer
recounting
ballots.

SECTION 403. A primary, election or other officer whose duty it is to recount the ballots cast at a primary or election, who makes any statement or gives any information in regard to a ballot cast by a voter challenged at such primary or election, except as required by law, shall be punished by imprisonment for not more than one year.

On presiding
officer at town
election.

SECTION 404. A presiding officer who, at a town election at which official ballots are not used, before the polls are closed and without the consent of a voter, reads or examines or permits to be read or examined, the names written or printed on the ballot of such voter, in order to ascertain the persons voted for by him, shall be punished by imprisonment for not more than thirty days.

On primary or
election
officer.

SECTION 405. A primary or election officer who wilfully or negligently violates any provision relating to the enclosing in envelopes, sealing, indorsing and delivering or transmitting of ballots and voting lists, after the votes have been counted and recorded, shall be punished by imprisonment for not more than one year.

On city or
town clerk or
election com-
missioner.

SECTION 406. A city or town clerk or an election commissioner who examines or permits to be examined, except as required by law, ballots cast at an election which are received and retained by him under section two hundred and seventy-four, shall be punished by a fine of not more than two hundred dollars.

On city or
town clerk or
election com-
missioner.

SECTION 407. A city or town clerk or an election commissioner who fails to make a record of votes cast at an election and to make and transmit copies of any such record, as required by this chapter, shall be punished by a fine of not more than two hundred dollars; but if a copy of the records is deposited in the post office within the time fixed for transmission or delivery, postpaid and properly addressed, it shall be a bar to any complaint for delinquency.

On city or
town clerk,
precinct clerk
or election
commis-
sioner.

SECTION 408. A city or town clerk, precinct clerk or election commissioner who wilfully signs a certificate not in accordance with the result of an election as appearing by the records and copies of records of votes cast, or by a recount of votes, shall be punished by imprisonment for not more than one year.

SECTION 409. A selectman who wilfully gives a certificate of election to a person voted for as representative in the general court, which is not in accordance with the declaration of the vote in open town meeting at the time of the election, or not in accordance with a recount of votes, shall be punished by imprisonment for not more than one year.

On selectmen.

SECTION 410. A public officer, primary, caucus or election officer, or officer or member of a political committee or convention, upon whom a duty is imposed by law, who refuses or wilfully neglects or wilfully fails to perform such duty, or who wilfully performs it contrary to law, shall for each offence, if no other penalty is herein specifically imposed therefor, be punished by a fine of not less than five nor more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. A primary or election officer in the city of Boston who knowingly permits or aids in the violation of any provisions of law relating to registration, primaries or elections, shall be punished by imprisonment in the state prison for not more than three years or in the house of correction for not less than six months.

On a public officer, primary, caucus or election officer, officer or member of a political committee or convention, etc.

On a primary or election officer in Boston.

PENALTIES UPON VOTERS.

SECTION 411. Whoever at a primary or caucus votes or attempts to vote, knowing that he is not entitled so to do, or votes or attempts to vote upon any name other than his own, or more than once on his own name, or casts or attempts to cast more than one ballot, or places any distinguishing mark upon a ballot, or makes a false statement as to his ability to mark his ballot, or unlawfully allows the marking of his ballot to be seen by any person, or gives a false answer to, or makes a false oath before, a presiding officer, shall be punished by imprisonment for not more than six months.

For illegally voting or attempting to vote, placing distinguishing mark on ballot, etc.

For making false statement, unlawfully allowing marking of ballot to be seen, making false answer or oath.

SECTION 412. A voter who violates any of the provisions of section one hundred and one shall be punished by imprisonment for not more than one year.

For violating provisions of § 101.

SECTION 413. A voter who, at a primary or election, places any distinguishing mark upon his ballot shall be punished by imprisonment for not more than six months.

For placing distinguishing mark upon ballot.

SECTION 414. A voter who makes a false statement as to his inability to mark a ballot, or who, except for the

For making false statement, unlaw-

fully allowing
ballot to be
seen.

purpose of obtaining assistance under section two hundred and sixty-two, allows his ballot to be seen by any person with an intention of indicating how he is about to vote shall be punished by a fine of not more than one hundred dollars.

For illegally
voting or
attempting to
vote, etc.

SECTION 415. Whoever at a primary or election, knowing that he is not a qualified voter in the place where he votes or attempts to vote, wilfully votes or attempts to vote thereat; whoever at a primary or election votes or attempts to vote more than once on his own name, his name having been registered more than once; whoever at a primary or election votes or attempts to vote in more than one voting precinct or town, his name having been registered in more than one voting precinct or town; whoever at a primary or election votes or attempts to vote on any name other than his own, or knowingly casts or attempts to cast more than one ballot at one time of balloting; whoever at a primary or election votes or attempts to vote otherwise illegally; or whoever aids or abets any other person in doing any of the acts above mentioned, shall be punished by imprisonment for not more than one year.

For giving
false answer.

SECTION 416. Whoever at a primary or election wilfully gives a false answer to a presiding officer shall be punished by a fine of not more than one hundred dollars.

GENERAL PENALTIES.

For refusing
to give true
name or in-
formation.

SECTION 417. Whoever, being an inmate of a building and liable to be assessed for a poll tax, refuses or neglects to give his true name when asked by an assessor or assistant assessor, or whoever, being an owner or occupant of a building, refuses or neglects to give the full and true information within his knowledge relating to all persons residing in such building, when asked by an assessor or assistant assessor, shall be punished by imprisonment for not more than three months.

For refusing
to give true
name or in-
formation in
Boston.

SECTION 418. Whoever in Boston, being an inmate of a building and a male resident twenty years of age or upward, refuses or neglects to give his true name, when asked by a member of the listing board or a police officer acting under this chapter, or whoever, being an owner or occupant of a building, or a clerk, superintendent, manager or other person having in charge the affairs of a hotel

or lodging house, refuses or neglects to give the full and true information within his knowledge relating to all persons residing in such building, when asked by a member of the listing board or a police officer acting under this chapter, shall be punished by imprisonment for not more than three months.

SECTION 419. Whoever knowingly gives to an assessor or assistant assessor, for the purpose of the assessment of a poll tax, or in Boston to a member of the listing board or a police officer, for the purpose of making a list of male residents twenty years of age or upwards or women voters, the name of any person as a resident of a building, who is not a resident therein, shall be punished by imprisonment for not more than one year.

For giving name of non-resident.

SECTION 420. Whoever knowingly or wilfully makes a false affidavit, takes a false oath or signs a false certificate relative to the qualifications of any person for assessment or registration, or in Boston for being listed or given a certificate by the listing board, shall be punished by imprisonment for not more than one year.

For false affidavit, oath or certificate.

SECTION 421. Whoever in Boston aids or abets a person in knowingly or wilfully making a false affidavit, taking a false oath or signing a false certificate, relative to the qualifications of any person for being listed as a resident thereof or given a certificate of such residence by the listing board, shall be punished by imprisonment for not more than one year.

For aiding, etc., in Boston.

SECTION 422. Whoever causes or attempts to cause his name to be registered, knowing that he is not a qualified voter in the place of such registration or attempted registration; whoever registers or attempts to register under a name other than his own; whoever represents or attempts to represent himself as some other person to any election commissioner, registrar or assistant registrar; whoever gives a false answer to any election commissioner, registrar or assistant registrar respecting any matter relating to his registration or his right to vote; whoever otherwise illegally registers or attempts to register; or whoever aids or abets any other person in doing any of the acts above mentioned, shall be punished by imprisonment for not more than one year.

For illegally registering, false representation, answer, etc.

SECTION 423. Whoever refuses to obey the lawful orders or directions of an election commissioner, a reg-

For disorderly conduct, etc., at registration.

istrar or assistant registrar, or interrupts or disturbs the proceedings at any registration shall be punished by a fine of not more than one hundred dollars.

For interfering with supervisor of registration.

SECTION 424. Whoever interferes with, or aids or abets any person in interfering with, any supervisor of registration in the performance of his duty, shall be punished by imprisonment for not more than one year.

For defacing or removing notice, voting list, warrant, etc.

SECTION 425. Whoever wilfully defaces or removes a notice relating to the registration of voters, or a voting list or notice or warrant for an election posted in a city or town shall be punished by imprisonment for not more than one year.

For aiding, etc., persons in illegal voting, interference with voter, etc.

SECTION 426. Whoever aids or abets a person, who is not entitled to vote, in voting or attempting to vote at a primary or caucus, or in voting or attempting to vote under a name other than his own, or in casting or attempting to cast more than one ballot, or wilfully and without lawful authority hinders, delays or interferes with, or aids in hindering, delaying or interfering with, a voter while on his way to a primary or caucus, while marking his ballot or while voting or attempting to vote, or endeavors to induce a voter to show his ballot, shall be punished by imprisonment for not more than one year.

For altering ballot cast at a primary or caucus, illegally depositing or removing ballot, etc.

SECTION 427. Whoever alters a ballot cast at a primary or caucus or, not being authorized thereto, deposits a ballot in a ballot box or envelope used at a primary or caucus, or removes a ballot from such ballot box or envelope, shall be punished by imprisonment in jail for not more than three years.

For falsely making, filing, suppressing, defacing, etc., certificate, nomination paper or letter.

SECTION 428. Whoever falsely makes or wilfully alters, defaces, mutilates, destroys or suppresses a certificate of nomination or nomination paper, or letter of withdrawal of a name from such paper, or unlawfully signs any such certificate, paper or letter, or files any such certificate, paper or letter, knowing the same to be falsely made or altered, shall be punished by imprisonment for not more than one year.

On magistrate taking oath of signer to nomination paper.

SECTION 429. Whoever as a notary public, justice of the peace or other magistrate takes the oath of a signer to a nomination paper without satisfying himself that the person to whom the oath is administered is the signer of such nomination paper, or who shall fail to state in his attestation of such oath that he is so satisfied, shall be

punished by a fine of not less than ten or more than fifty dollars.

SECTION 430. Whoever intentionally writes, prints, posts or distributes, or causes to be written, printed, posted or distributed, a circular or poster which is designed or tends to injure or defeat any candidate for nomination or election to any public office, by criticising his personal character or political action, unless there appears upon such circular or poster in a conspicuous place either the names of the chairman and secretary, or of two officers of the political or other organization issuing the same, or of some voter who is responsible therefor, with his name and residence, and the street and number thereof, if any, shall be punished by imprisonment for not more than six months.

For writing, printing, posting, distributing, etc., anonymous circulars, etc.

SECTION 431. Whoever wilfully obstructs or interferes with the transmission of ballots or returns to or from a polling place shall be punished by imprisonment for not more than one year.

For obstructing or interfering with transmission of ballots or returns.

SECTION 432. Whoever posts, circulates or distributes any poster, card, handbill, placard, picture or circular, except a paster to be placed upon the official ballot, intended to influence the action of a voter, in the polling place, in the building in which the polling place is located or on the walls thereof, on the premises on which the building stands, or on the sidewalk adjoining said premises, shall be punished by a fine of not more than twenty dollars.

For posting, distributing, etc., certain posters, cards, etc.

SECTION 433. Whoever wilfully or maliciously injures or destroys a ballot box or any of the blank forms or apparatus furnished to a city or town under sections two hundred and seventeen and two hundred and eighteen, shall be punished by imprisonment for not more than one year.

For injuring or destroying ballot box, blanks or apparatus.

SECTION 434. Whoever refuses or wilfully neglects to comply with any regulation made by the election commissioners, aldermen or selectmen relative to the manner of receiving, counting and returning votes cast at a primary or election, or relative to the use of seals and ballot boxes, shall be punished by imprisonment for not more than six months.

For refusal, etc., to comply with regulations relative to receiving, counting or returning votes, etc.

SECTION 435. Whoever interferes, or aids or abets any person in interfering with an election commissioner, city or town clerk, or election officer, in the performance

For interfering with city or town clerk or election commissioner

in the performance of his duties.

For hindering, molesting, etc., supervisor of elections.

of his duties shall be punished by imprisonment for not more than one year.

SECTION 436. Whoever prevents a supervisor of elections from doing any of the acts authorized by section two hundred and fourteen of this chapter, or hinders or molests him in doing any such acts, or aids or abets in preventing, hindering or molesting him in doing any of such acts, shall be punished by imprisonment for not more than one year.

For printing or distributing ballots in violation of § 370.

SECTION 437. Whoever prints or distributes a ballot for use in the election of moderator at a town meeting in violation of section three hundred and seventy, shall be punished by imprisonment for not more than sixty days.

For defacing, destroying, etc., lists, cards, ballots, supplies, etc.

SECTION 438. Whoever, before a primary or election, wilfully defaces or destroys any list of candidates posted under the provisions of this chapter, or, during a caucus, primary or election, wilfully defaces, tears down, removes or destroys any card of instruction or specimen ballot posted for the instruction of voters, or during a caucus, primary or election, wilfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot, shall be punished by a fine of not more than one hundred dollars.

For forging, etc., indorsement, destroying, etc., or delaying delivery of ballots.

SECTION 439. Whoever forges or falsely makes the official indorsement on any ballot, or wilfully destroys or defaces a ballot, or wilfully delays the delivery of any ballots, shall be punished by imprisonment for not more than one year.

For obstructing or delaying voter.

SECTION 440. Whoever wilfully and without lawful authority obstructs or delays a voter while on his way to the polling place where he is entitled to vote or while he is voting or attempting to vote, or aids or assists in any such obstruction or delay, shall be punished by imprisonment for not more than one year.

For interfering with or inducing voter to show ballot.

SECTION 441. Whoever interferes or attempts to interfere with a voter while he is marking his ballot or is within the space enclosed by the guard rail, or endeavors to induce a voter, before he has voted, to show how he marks or has marked his ballot, shall be punished by a fine of not more than one hundred dollars.

For obstructing voting.

SECTION 442. Whoever wilfully obstructs the voting at a primary or election shall be punished by a fine of not more than one hundred dollars.

For aiding or abetting in illegal voting.

SECTION 443. Whoever aids or abets a person who is not qualified to vote at a primary or election in voting or

attempting to vote, or aids or abets a person in voting or attempting to vote under a name other than his own, or in casting or attempting to cast more than one ballot at one time of balloting, shall be punished by imprisonment for not more than one year.

SECTION 444. Whoever places a mark against a name on a ballot not cast by himself, or places a distinguishing mark on a ballot not cast by himself, except as authorized by law, shall be punished by imprisonment in jail for not more than three years.

For marking ballot contrary to law.

SECTION 445. Whoever, with intent to defraud, alters a ballot cast at a primary or election; or, with such intent, deposits a ballot in the ballot box used at a primary or election, or in an envelope provided by law for the preservation of ballots cast at a primary or election; or, with such intent, removes a ballot from any such ballot box or envelope, shall be punished by imprisonment in jail for not more than three years.

For altering, depositing or removing ballot with intent to defraud.

SECTION 446. Whoever removes a ballot from the space enclosed by the guard rail before the close of the polls shall be punished by imprisonment for not more than one year.

For removal of ballot from enclosed space.

SECTION 447. An owner, superintendent or overseer in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, who employs or permits to be employed therein any person entitled to vote at a state election, during the period of two hours after the opening of the polls in the voting precinct or town in which such person is entitled to vote, if he shall make application for leave of absence during such period, shall be punished by a fine of not more than one hundred dollars.

For employing, etc., certain persons on day of state election.

SECTION 448. Whoever, by threatening to discharge a person from his employment or to reduce his wages, or by promising to give him employment at higher wages, attempts to influence a voter to give or to withhold his vote at an election, or whoever, because of the giving or withholding of a vote at an election, discharges a person from his employment or reduces his wages, shall be punished by imprisonment for not more than one year.

For attempting to influence voter by threats, etc.

SECTION 449. Whoever pays or gives, or directly or indirectly promises to a voter any gift or reward to influence his vote or to induce him to withhold his vote, shall be punished by imprisonment for not more than one year.

For bribery at elections.

For disorderly conduct at a primary, caucus or election.

SECTION 450. Whoever, at a caucus, primary or election, behaves in a disorderly manner, and, after notice from the presiding officer, persists in such behavior and refuses to withdraw from the polling place, shall be punished by imprisonment for not more than thirty days.

For disobeying orders of primary, caucus or election officer.

SECTION 451. Whoever wilfully disobeys any lawful command of an election, caucus or primary officer shall be punished by imprisonment for not more than thirty days.

For not removing pipe, cigar, liquor, etc.

SECTION 452. Whoever, when so ordered by the presiding officer of an election, caucus, primary or meeting, refuses or fails to remove any pipe, cigar, cigarette or liquor, or to withdraw from the polling place, as provided by section two hundred and fifty-six, shall be punished by a fine of not more than twenty dollars.

For giving information regarding challenged votes.

SECTION 453. Whoever gives any information derived from a recount of votes, relative to a ballot cast by a challenged voter at an election, caucus or primary, shall be punished by imprisonment for not more than one year.

For violating provisions relating to corrupt practices.

SECTION 454. Whoever violates any provision of law relating to corrupt practices in elections the punishment for which is not specially determined by law, shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Enforcement of provisions.

SECTION 455. The supreme judicial court and the superior court shall have jurisdiction at law or in equity or by mandamus to enforce the provisions of this chapter. Police officers and constables shall arrest without a warrant any person detected in the act of violating the caucus, primary or election laws. A prosecution for the violation of any provision of this chapter shall not, unless the purposes of justice require such disposition, be placed on file or disposed of except by trial and judgment according to the regular course of criminal proceedings. It shall be disposed of otherwise only upon motion in writing stating specifically the reasons therefor and verified by affidavit if facts are relied on. If the court or magistrate certifies in writing that he is satisfied that the cause relied on exists and that the interests of public justice require the allowance of the motion the motion shall be allowed and the certificate of the court or magistrate shall be filed in the case.

REPEAL OF FORMER STATUTES.

SECTION 456. Sections one to four hundred and twenty-one, inclusive, and section four hundred and twenty-six of chapter eleven of the Revised Laws; chapters ninety, three hundred and forty-six, three hundred and forty-eight, four hundred and ninety-two, five hundred and six, five hundred and twelve, five hundred and thirty-seven, and section two of chapter five hundred and forty-four, of the acts of the year nineteen hundred and two; chapters two hundred and seventy-nine, three hundred and eighteen, three hundred and sixty-eight, four hundred and twenty-five, four hundred and thirty, four hundred and fifty, four hundred and fifty-three, four hundred and fifty-four and four hundred and seventy-four of the acts of the year nineteen hundred and three; chapters forty-one, one hundred and seventy-nine, two hundred and one, two hundred and forty-five, two hundred and seventy-five, two hundred and ninety-three, two hundred and ninety-four, three hundred and ten, three hundred and thirty-four, three hundred and seventy-five and three hundred and eighty of the acts of the year nineteen hundred and four; chapters one hundred and eleven, three hundred and thirteen, three hundred and eighteen, three hundred and eighty-six and three hundred and ninety-seven of the acts of the year nineteen hundred and five; chapters seventy-six, two hundred and ninety-eight, three hundred and eleven and four hundred and forty-four of the acts of the year nineteen hundred and six; chapters three hundred and thirty, four hundred and twenty-nine and four hundred and sixty-eight of the acts of the year nineteen hundred and seven; and all other acts and parts of acts inconsistent herewith are hereby repealed; but such repeal shall not revive any law heretofore repealed or superseded.

Repeal.

Approved June 26, 1907.

AN ACT TO PERMIT SAVINGS BANKS TO ESTABLISH LIFE INSURANCE DEPARTMENTS.

Chap. 561

Be it enacted, etc., as follows:

SECTION 1. In this act, unless the context otherwise requires:

Certain terms defined.

(a) The words "savings bank" mean a savings bank incorporated under the laws of this Commonwealth and

include institutions for savings incorporated as such in this Commonwealth.

(b) The words "savings and insurance bank" mean a savings bank which has established an insurance department.

(c) The words "savings department" mean that department of a savings and insurance bank in which the business heretofore done by savings banks is conducted.

(d) The words "insurance department" mean the department of a savings and insurance bank in which the business of issuing life insurance and the granting of annuities is conducted.

(e) The word "trustees" means trustees of the savings bank or savings and insurance bank.

(f) The word "treasurer" means the treasurer of the savings bank or savings and insurance bank.

Savings banks may establish insurance departments, etc.

SECTION 2. Any savings bank may, upon complying with the provisions hereinafter set forth, establish an insurance department, if its board of trustees has, at a meeting specially called for the purpose, voted so to do by a majority of two thirds of its trustees present at the meeting and voting, and if such vote has been ratified by vote of a majority of the incorporators present and voting at a meeting duly called for the purpose. The notice of such trustees' meeting shall be given at least thirty days prior to the date of the meeting and shall be otherwise in accordance with any laws and by-laws governing the calling of special meetings of trustees. Copies of the vote of the trustees to establish the insurance department and of the vote of the incorporators ratifying the same, certified to by the clerk of the bank, and sworn to by the president or vice president and the treasurer or assistant treasurer, shall be filed in the office of the bank commissioner and in the office of the insurance commissioner within thirty days after the adoption thereof; and if said commissioners shall find said votes to be in conformity with law, and that the conditions provided by section three have been complied with, and if in the opinion of the bank commissioner the financial condition of the bank presents no objection to the establishment of an insurance department, they shall issue a joint certificate declaring said insurance department established.

Certain guaranty funds to be provided

SECTION 3. The certificate establishing the insurance department shall not be issued until there shall have been

provided (a) a special expense guaranty fund as set forth in section four and (b) either a special insurance guaranty fund as set forth in section five or the substitute provision shall have been made under section nineteen; and until (c) a certificate in duplicate, under the oath of the treasurer, shall have been filed with the insurance commissioner and the bank commissioner, certifying that said special expense guaranty fund and said special insurance guaranty fund or the substitute therefor have been furnished, and (d) said commissioners shall, upon investigation, have made a joint finding that said requirements have duly been complied with.

before certificate establishing the department is issued.

SECTION 4. The special expense guaranty fund mentioned in section three shall consist of not less than five thousand dollars in cash advanced to and placed at the risk of said department as a guaranty fund to be applied in payment of the expenses thereof, if and so far as the amounts contributed from the loading in the insurance premium and in annuity charges, together with any membership fee and surrender and death charges, shall prove insufficient to pay the expenses of said insurance department. The original amount of such guaranty fund shall be fixed by the trustees with the approval of the state actuary, to be appointed as provided in section fifteen of this act, and the guaranty fund may be increased at any time thereafter by the trustees. The amounts advanced as a special expense guaranty fund shall be evidenced by certificates of the par value of one hundred dollars, and the holders thereof shall be credited with interest thereon annually, with annual rests, at a rate equal to the average rate paid in that year upon its deposits by the savings department. If in any year ending October thirty-one the profits remaining, after setting aside amounts for surplus as provided in section twenty-one, shall be sufficient therefor, the trustees shall from such profits reimburse said expense guaranty fund for any amounts theretofore drawn from it to defray expenses of the insurance department, and if, after so reimbursing said fund, and after reimbursing the special insurance guaranty fund for amounts theretofore drawn from it, the balance of profits shall be sufficient therefor, the trustees shall pay to the holders of the certificates of said expense guaranty fund the interest accrued thereon, or such part thereof as the amount may suffice to cover. Said expense guaranty fund

Special expense guaranty fund, etc.

may be retired with the approval of the bank commissioner and the insurance commissioner whenever in the opinion of the trustees it is no longer required. The amount so advanced as an expense guaranty fund shall be repaid and the interest credited shall be paid only as above provided, or under the provisions of section twenty-six, and shall not be deemed a liability of the insurance department in determining the solvency thereof.

Special insurance guaranty fund, etc.

SECTION 5. The special insurance guaranty fund mentioned in section three shall consist of not less than twenty thousand dollars in cash advanced to and placed at the risk of the insurance department, which shall be applicable to the payment and satisfaction of all losses or other obligations arising out of policies or annuity contracts, if and whenever the liabilities of said department including the insurance reserve are in excess of its assets. The original amount of such special insurance guaranty fund shall be fixed by the trustees with the approval of the state actuary, and the guaranty fund may be increased at any time thereafter by vote of the trustees. The amounts advanced to such special insurance guaranty fund shall be represented by certificates of the par value of one hundred dollars, and the holders thereof shall be credited with interest thereon annually, with annual rests, at the rate equal to the average rate paid in that year upon its deposits by the savings department. If in any year ending October thirty-one the profits remaining are sufficient therefor, after setting aside amounts for the surplus as provided in section twenty-one, and reimbursing the special expense guaranty fund and said special insurance guaranty fund for all amounts theretofore drawn from them or either of them, and paying interest on the certificates representing the special expense guaranty fund, the trustees may pay the interest accrued on said insurance guaranty certificates or such part thereof as the amount may suffice to cover. After the special expense guaranty fund has been retired as provided in section four, said special insurance guaranty fund may, with the approval of the insurance commissioner, be retired by the trustees as soon as the insurance department shall have accumulated a surplus in excess of all its liabilities equal to the amount of such guaranty fund, including any interest accrued thereon remaining unpaid; and said insurance

guaranty fund may with like approval be retired from time to time, in part; but the balance of such guaranty fund, including unpaid interest plus the surplus on hand, shall at no time be less than the amount of the original insurance guaranty fund. The amounts so advanced as an insurance guaranty fund shall be repaid and the interest credited thereon shall be paid only as above provided, or under the provisions of section twenty-six, and shall not be deemed a liability of the insurance department in determining the solvency thereof.

SECTION 6. Any savings and insurance bank acting through its insurance department shall, after the issue of the license provided for in section seven, have power to make and issue policies upon the lives of persons and to grant or sell annuities with all the rights, powers, and privileges and subject to all the duties, liabilities, and restrictions in respect to the conduct of the business of life insurance conferred or imposed by general laws now or hereafter in force relating to domestic legal reserve life insurance companies, so far as the same are applicable and except as is otherwise provided herein. The insurance department shall, in all respects except as is otherwise provided herein, be managed as savings banks are managed under general laws now or hereafter in force relating to savings banks. Such insurance department may in its discretion decline particular classes of risks or reject any particular application.

SECTION 7. A license to issue policies and make annuity contracts shall, upon the application of the trustees, be granted by the insurance commissioner to any savings and insurance bank which has duly complied with the requirement set forth in section three; but the said license shall be revocable by the insurance commissioner at his discretion, and after having given thirty days' written notice to the said trustees, provided not more than twenty thousand dollars of insurance on not less than one hundred lives of residents of this Commonwealth, on which all payments due by the terms thereof have been made thereon, shall have been applied for and issued, and then remain outstanding. A list showing the amount of outstanding policies, with the names of the holders thereof, shall be filed by the treasurer of the said bank with the insurance commissioner at the close of each month, until the above

May issue policies of insurance and grant annuities, etc.

A license to issue policies, etc., to be granted to any savings and insurance bank which has complied with the provisions of section three hereof.

A list of outstanding policies to be filed with the insurance commissioner monthly.

limits as to amount of insurance, and number of persons insured and holding policies standing in full force by reason of the due payment of premium, have been exceeded. Upon the filing of every such list, the correctness of which shall be certified by the treasurer under oath, the insurance commissioner may make such investigations as he may deem proper, in order to ascertain the truth of the facts thus certified by the treasurer.

Revocation of license, etc.

The revocation of the license of any bank under the terms of this section shall not affect the right and the obligation of the bank to continue and fulfil its existing contracts, or the right, with the approval of the insurance commissioner, to reinsure them or to transfer them to another bank or company holding a license to do insurance business in this Commonwealth.

Assets, how to be applied, etc.

SECTION 8. The assets of the savings department shall be liable for and applicable to the payment and satisfaction of the liabilities, obligations, and expenses of the savings department only. The assets of the insurance department shall be liable for and applicable to the payment and satisfaction of the liabilities, obligations, and expenses of the insurance department only. The savings department and the insurance department shall be kept distinct also in matters of accounting and of investment. Expenses pertaining to the conduct of both the savings department and the insurance department, such as office rent and the salaries of general officers, shall be apportioned by the trustees equitably between the two departments.

Accounts of different departments to be kept separate.

Investment of funds, etc.

SECTION 9. The funds of the insurance department, whether arising from premiums, annuity contracts, guaranty funds, or from the income thereof, and whether constituting insurance reserve or surplus, shall be invested in the same classes of securities and in the same manner in which the deposits of the savings department are or may hereafter be required by law to be invested, except that it may make loans upon any policy of insurance or annuity contract issued by it to the extent specified in section fifteen.

Amount of policy limited.

SECTION 10. No savings and insurance bank shall write any policy binding it to pay more than five hundred dollars, exclusive of dividends or profits, upon the death of any one person, nor any annuity contract binding it to

pay in any one year more than two hundred dollars, exclusive of dividends or profits.

SECTION 11. No policy of life or endowment insurance or annuity contract issued by any savings and insurance bank shall become forfeit or void for non-payment of premium after six full months' premiums have been paid thereon; and in case of default in the payment of any subsequent premium, then, without any further stipulation or act, such policy shall be binding upon the bank at its option, either (a) for the cash surrender value or (b) for the amount of paid up insurance which the then net value of the policy and all dividend additions thereon, less any indebtedness to the bank on account of said policy, and less the surrender charge of one per cent, will purchase as a net single premium for life or endowment insurance, maturing or terminating at the time and in the manner provided for in the original policy contract, or (c) for the amount of paid up term insurance which such net value would purchase.

Policy not to become forfeit, etc., after certain payments have been made, etc.

SECTION 12. No policy or annuity contract shall be issued, except upon the life and for the benefit of a resident of the Commonwealth. If the holder of any policy or annuity issued by such a bank becomes a resident of another state or country, it shall be necessary, unless the bank otherwise provides, for such a policy holder or such an annuitant, or his duly authorized representative, or the beneficiary entitled to a claim for loss under such a policy, to make or receive payments at the bank, or by correspondence, without notice from the bank. Should a lapse occur by reason of the failure of any such person to do so seasonably, the liability of the bank, in case of a policy of insurance, shall be only for the amount of its previously acquired paid up insurance value, or on demand, for the stipulated cash surrender value thereof. Upon the presentation of the proof of death of any insured who had so become a resident of another state, the treasurer of the issuing bank may, if he deems it necessary, cause an independent investigation to be made in such other state into the alleged facts, and the expenses thereof may, in the discretion of the treasurer, be deducted from the amount otherwise payable on the policy.

Issue of policies restricted to residents of the Commonwealth, etc.

SECTION 13. Savings and insurance banks shall not employ solicitors of insurance, and shall not employ per-

Not to employ solicitors, etc.

sons to make house to house collections of premiums; but the trustees may, in their discretion, establish such agencies and means for the receipt of applications for insurance and of deposits and of premium and annuity payments, at such convenient places and times, of such nature and upon such terms as the bank commissioner and the insurance commissioner may approve. The trustees may also, with like approval, appoint any savings bank or savings and insurance bank its agent to make, so far as thereunto authorized, payments due on policies of insurance and on contracts for annuities, and to perform other services for the insurance department. All savings banks and all savings and insurance banks are authorized with like approval to act as such agents. The business of the insurance department may, in the discretion of the trustees, be carried on either in the same building with that of the savings department, or in a different building.

General Insurance Guaranty Fund.

SECTION 14. The General Insurance Guaranty Fund is hereby created a body corporate with the powers specifically provided in this act, and with all the general corporate powers incident thereto. The affairs of said corporation shall be managed by a board of seven trustees, who shall be appointed by the governor with the advice of the council, shall be selected from persons then trustees of savings banks or of savings and insurance banks, and shall serve without compensation. The first seven members shall be appointed within thirty days after the passage of this act, and shall hold office for the following terms, beginning July first, nineteen hundred and seven: one for the term of seven years, who shall be the temporary president; one for the term of six years; one for the term of five years; one for the term of four years; one for the term of three years; one for the term of two years; one for the term of one year; and thereafter in the year in which any term shall expire a trustee shall be appointed for the term of seven years beginning with the first day of July in the year of his appointment. Any vacancy occurring among said trustees shall be filled by appointment of a trustee, as above provided, for the remainder of the term. The trustees shall organize as soon as may be after their appointment, shall adopt a code of by-laws, and shall elect from their own number a president and a vice president, and shall also elect a treasurer and a

clerk, all of whom shall hold office for one year and until their successors are appointed. The governor shall have power, with the advice of the council, to remove any trustee at any time for cause.

SECTION 15. The trustees of the General Insurance Guaranty Fund shall, with the approval of the governor and council, appoint, and may with their consent remove, an insurance actuary to be called state actuary, with such salary or compensation to be paid by the Commonwealth as the trustees shall, with the approval of the governor and council, from time to time determine. The trustees may also appoint such clerks and assistants to the state actuary as the public business in his charge may require.

Insurance
actuary, ap-
pointment,
etc.

The state actuary, with the advice of the attorney-general as to matters of legal form, shall prepare standard forms of life insurance policies and life annuity contracts, including a whole life policy, a limited payment life policy, a limited term policy, an endowment policy, an annuity contract, and a combination of life insurance policy and deferred annuity contract, and such others, if any, as may from time to time, in the opinion of the insurance commissioner, be desirable. Every policy and annuity contract shall provide that the issuing bank may make any payment thereunder by placing to the credit of the account of the registered beneficiary in the savings department the amount payable. Such standard forms shall be used as the uniform and exclusive forms of policies by all savings and insurance banks. He shall also prepare the form of blanks for applications for life insurance policies and life annuity contracts and for proof of loss, and all other forms which may be necessary for the efficient prosecution of the business, also books of record and of account, and all schedules and all reports not otherwise provided for which may be required in the conduct of the business, and these shall be used as the uniform and exclusive form of blanks, books, schedules, and reports in the insurance departments of all savings and insurance banks. He shall also, consistently with the statutes governing domestic legal reserve life insurance companies, determine and prepare the table of premium rates for all kinds of life insurance policies, and the purchase rates for annuities, and the amount of the membership fee, the surrender and any proof of death charges, and the premium

The actuary
to prepare
forms, etc.

rates for reinsurance. The rates, fees, and charges so fixed shall be adopted as the uniform and exclusive premiums, annuity rates, the initiation, the surrender, and the proof of death charges. He shall also determine and prepare tables showing the amounts which may be loaned on insurance policies, and the reinsurance rates to be charged by all savings and insurance banks, and the guaranty charges to be made by the General Insurance Guaranty Fund, but the loan value shall in no event exceed the reserve on any policy. He shall also prepare or procure tables for computing the legal reserve to be held under insurance and annuity contracts, and for this purpose may, with the approval of the insurance commissioner, adopt a table of mortality which may be deemed more suitable than the American experience table for policies of insurance of the character and amounts to which the risks of the banks are limited; and shall in all other respects, except as herein otherwise stated, perform the duties of insurance actuary for all the savings and insurance banks and the General Insurance Guaranty Fund. The ordinary actuarial routine work of the banks, including an annual and other valuations of their policies, shall be performed by their clerks, guided and assisted, so far as may be necessary, by the advice and instruction of the state actuary; but an annual valuation of all the policies of the banks and of the condition of the General Insurance Guaranty Fund as of October thirty-first of each year shall be made in the office of the state actuary under his direction, and from schedules of policy data on blanks furnished by him and prepared by the banks in accordance with his instructions. The state actuary shall also furnish to the savings and insurance banks and to the General Insurance Guaranty Fund all blanks for policies, applications, schedules, and other papers and books which the state actuary is required to prepare, as herein provided.

State medical
director, ap-
pointment,
etc.

SECTION 16. The trustees of the General Insurance Guaranty Fund shall, with the approval of the governor and council, appoint, and may with their consent remove, a physician to be known as the state medical director, with such salary or compensation to be paid by the Commonwealth as the trustees shall, with the approval of the governor and council, from time to time determine, who shall, subject to the supervision and control of the insur-

ance commissioner, prescribe the rules relating to health or acceptability of the applicant for insurance, and shall act as supervising and advising physician for the medical department of all the savings and insurance banks. He may also appoint such assistants, if any, as the public business in his charge may require.

SECTION 17. No charge shall be made to the banks by the General Insurance Guaranty Fund or by the Commonwealth for the services which the state actuary and the state medical director render and for the blanks and books which are to be furnished to the savings and insurance banks as prescribed in section fifteen.

Services of the actuary and director to be rendered without charge.

SECTION 18. Every savings and insurance bank shall, on the third Wednesday of each month, pay to the General Insurance Guaranty Fund an amount equal to four per cent of all amounts paid to it as premiums on policies or in the purchase of annuities during the preceding month. Said sums shall be held as a guaranty for all obligations on policies or annuity contracts of the insurance departments of all savings and insurance banks, and so much thereof shall be paid over to any bank, to be applied in the payment of losses or satisfaction of other obligations on said policies or annuity contracts, as may be required to prevent or to make good an impairment of its insurance reserve. Any amount so paid to any bank shall be charged to its account, and be repaid with interest compounded semi-annually at the rate of five per cent per annum out of the surplus funds of said insurance department as soon and so far as an adequate surplus exists. The amounts so advanced by the General Insurance Guaranty Fund to any bank shall be repaid only as above provided, and shall not be deemed a liability in determining the solvency of its insurance department.

Certain percentage of premiums to be paid to the General Insurance Guaranty Fund each month, etc.

SECTION 19. If and whenever the funds held by the General Insurance Guaranty Fund are in the opinion of both the insurance commissioner and the bank commissioner sufficient therefor, said trustees may enter into a contract with any savings bank desiring to establish an insurance department to guarantee all the risks of such bank until such time as it shall have a surplus of not less than twenty thousand dollars nor less than ten per cent of the aggregate insurance reserve. If and whenever such guaranty contract is entered into by any bank, it shall not

When funds held by the General Insurance Guaranty Fund are sufficient it may guarantee insurance risks in certain cases, etc.

be necessary to provide the special insurance guaranty fund provided for in section five before the insurance commissioner and the bank commissioner are entitled to issue the certificate establishing the insurance department as provided in section three.

Investments.

SECTION 20. The funds of the General Insurance Guaranty Fund shall be invested in the same classes of securities and in the same manner in which the deposits of the savings department are, or may hereafter by law be required to be invested; but the trustees of said fund shall be at liberty to deposit in any savings bank any funds on hand which by reason of the smallness of the amount or for any other reason cannot, in the opinion of the trustees, otherwise properly be invested at that time.

Certain percentage of profits to be set apart as an emergency fund, etc.

SECTION 21. Savings and insurance banks shall annually set apart as a surplus from the net profits, if any, which have been earned in the insurance department, an amount not less than twenty nor more than seventy-five per cent thereof, until such fund equals ten per cent of the net insurance reserve, or the amount of the special insurance guaranty fund, whichever is the greater. Such surplus fund shall thereafter be maintained and held to meet losses in its insurance department from unexpectedly great mortality, depreciation in its securities, or otherwise. The balance of the net profits shall be distributed equitably annually among the holders of its policies and annuity contracts; such distribution to be made in the discretion of the trustees either in cash or by addition to the amounts payable under the policies or annuity contracts.

Insurance policies, by whom signed, etc.

SECTION 22. Life insurance policies and annuity contracts may be signed on behalf of the savings and insurance banks by the treasurer or assistant treasurer, or by such other officer or employee of the savings and insurance banks as the trustees may from time to time determine.

Premiums may be reduced in certain cases, etc.

SECTION 23. If and whenever the net assets of the General Insurance Guaranty Fund over all liabilities exceed one hundred thousand dollars or five per cent of the aggregate outstanding insurance reserve of all savings and insurance banks, whichever is the greater, the trustees of said fund may, with the approval of the insurance commissioner, reduce the percentage of premiums on insurance and annuities so payable to it, or altogether discontinue the same; but the trustees shall have the power

to require at any time thereafter said contribution to be made at a rate not exceeding that provided for in section eighteen.

SECTION 24. Savings and insurance banks shall in respect to all funds held by the insurance department as a part of its insurance reserve or surplus, and the General Insurance Guaranty Fund shall in respect to all funds held by it, pay to the Commonwealth the same taxes, at the same rate, to the same extent, and in the same manner as taxes are now payable on deposits held by the savings department. Savings and insurance banks shall not be taxable on funds held as part of the expense guaranty fund, or of the insurance guaranty fund, nor shall such banks or the General Insurance Guaranty Fund be liable for any taxes or fees provided to be assessed upon life insurance companies, or for any taxes or fees except as above provided. All insurance policies and annuity contracts issued by such banks shall otherwise be exempt from taxation. Taxes, etc.

SECTION 25. Any suit brought on or in respect to any policy or annuity contract issued by any savings and insurance bank shall be brought in the county in which such bank is located, and within two years after the date of the alleged cause of action. Suits, etc.

SECTION 26. Any savings insurance bank may at any time discontinue the issuing of insurance policies and annuity contracts if its board of trustees has, at a meeting duly called for the purpose, voted so to do by a majority of two thirds of its trustees present at the meeting and voting. The notice of such meeting shall be given at least thirty days prior to the date of such meeting, and shall be otherwise in accordance with any laws or by-laws governing the calling of special meetings of trustees. A copy of the vote to discontinue said business certified to by the clerk of the bank, and sworn to by the president or vice president and the treasurer or assistant treasurer, shall be filed in the office of the bank commissioner and also in the office of the insurance commissioner. A bank which has so voted may reinsure all outstanding policies and annuity contracts in any other savings and insurance bank, or, with the approval of the insurance commissioner and the bank commissioner, in any purely mutual legal reserve life insurance company organized under the laws of Massachu- Issuing of policies may be discontinued, etc.

setts, if such company does not employ solicitors of insurance or make house to house collection of premiums, and does not provide for the payment of interest on its guaranty capital of more than four per cent, if it makes provision satisfactory to the insurance commissioner for carrying out with reasonable convenience to policy holders and annuitants its then existing contracts. When a bank which has voted to discontinue said business has so reinsured its outstanding policies and annuity contracts, or fully performed the same, it shall transfer to the General Insurance Guaranty Fund all the assets of the insurance department remaining after paying all its liabilities, including special guaranty fund certificates issued under sections four or five hereof.

Examinations,
etc.

SECTION 27. The insurance commissioner and the bank commissioner shall, at least once in each year, and whenever they consider it expedient, either alone or together, personally or by deputy or assistant, examine the insurance department of each savings and insurance bank and the General Insurance Guaranty Fund. At such examination they shall have free access to the vaults, books, and papers, and shall thoroughly inspect and examine the affairs of said corporation to ascertain its condition, its transactions, its ability to fulfil its obligations, and whether it has complied with all the provisions of law applicable to it. They shall preserve in a permanent form a full record of their proceedings, including a statement of the condition of the insurance department of each of said banks.

Summoning of
witnesses in
examinations,
etc.

SECTION 28. Either of said commissioners or his deputy or assistant specially authorized by him in writing may summon the trustees, officers, or agents of any such corporation, and such other witnesses as he thinks proper, and examine them relative to the affairs, transactions, and condition of the insurance department or of the General Insurance Guaranty Fund, and for that purpose may administer oaths. Whoever without justifiable cause refuses to appear and testify when so required, and whoever obstructs a commissioner in the performance of his duty, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

May be re-
strained from
doing business

SECTION 29. If upon examination the insurance department of any savings and insurance bank appears to

both the bank commissioner and the insurance commissioner to be insolvent, or if they find its condition such as to render the continuance of its business hazardous to the public or to the holders of its policies or contracts, the commissioners shall apply or, if such bank appears to have exceeded its powers or failed to comply with any provision of law, may apply to the supreme judicial court, which shall have jurisdiction in equity of such application, for an injunction to restrain such department, in whole or in part, from further proceeding with its business. The court may appoint one or more receivers to take possession of the property of the insurance department, subject to such directions as may from time to time be prescribed by the court, — without in any respect affecting the operations of the savings department. The provisions in sections seven and eight of chapter one hundred and thirteen of the Revised Laws shall be applicable to such receivers.

in certain cases, etc.

SECTION 30. The treasurer shall annually within twenty days after the last business day in October file in the offices of the insurance commissioner and of the bank commissioner a statement which shall exhibit the financial condition of the insurance department on the last business day of October. For cause the commissioners may extend the time within which any such statement may be filed, but not to a date later than the fifteenth day of December. Such annual statement shall be in the form required by the bank commissioner and the insurance commissioner. They shall embody therein so much of the forms now prescribed for life insurance companies and for savings banks as may seem to them appropriate, with any additional inquiries they may require for the purpose of eliciting a complete and accurate exhibit of the condition and transactions of the companies. The assets and liabilities shall be computed and allowed in such statement in accordance with the rules governing insurance companies, except as herein otherwise provided. The president or vice president of the savings and insurance bank and five or more of the trustees shall certify and make oath that the report is correct according to the best of their knowledge and belief. The insurance commissioner and the bank commissioner may also at any time require the treasurer to make such other statement of condition or

Annual statement to be filed with the insurance commissioner and the bank commissioner.

Form of statement.

furnish such other information concerning the insurance department as they may deem necessary.

The treasurer of the General Insurance Guaranty Fund to file annual statement, etc.

SECTION 31. The treasurer of the General Insurance Guaranty Fund shall annually, within thirty days after the last business day of October, file in the offices of the insurance commissioner and of the bank commissioner a statement in such form as said commissioners shall prescribe, which shall exhibit its financial condition on the last business day of October, and shall also at any time make such statement of condition and furnish such other information concerning its business as said commissioners may deem necessary. The president of said fund and three or more trustees shall certify and make oath that the report is correct to the best of their knowledge and belief.

Annual report to be made to the general court.

SECTION 32. The insurance commissioner and the bank commissioner shall prepare annually from the said reports concerning insurance departments and the General Insurance Guaranty Fund, and communicate to the general court on or before the first Wednesday in February, a statement of the condition of each savings and insurance bank and of said General Insurance Guaranty Fund, and shall make such suggestions as they may consider expedient relative to the general conduct and condition of each bank visited by them.

Expenditure.

SECTION 33. There may be expended out of the treasury of the Commonwealth a sum not exceeding ten thousand dollars to carry out the provisions of this act.

When to take effect.

SECTION 34. This act shall take effect upon its passage, except that no license shall be issued under section seven until the first day of November, nineteen hundred and seven.

Approved June 26, 1907.

Chap. 562 AN ACT TO APPORTION AND ASSESS A STATE TAX OF FOUR MILLION DOLLARS.

Be it enacted, etc., as follows:

State tax apportioned and assessed.

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the sum with which it stands charged in the following schedule, that is to say:—

Abington, thirty-four hundred dollars,	\$3,400 00
Acton, twenty-three hundred and twenty dollars,	2,320 00
Acushnet, eight hundred and forty dollars,	840 00
Adams, seventy-six hundred and eighty dollars,	7,680 00

Agawam, two thousand and forty dollars, . . .	\$2,040 00	State tax ap- portioned and assessed.
Alford, two hundred dollars, . . .	200 00	
Amesbury, sixty-four hundred and eighty dollars, . . .	6,480 00	
Amherst, forty-four hundred and forty dollars, . . .	4,440 00	
Andover, eight thousand dollars, . . .	8,000 00	
Arlington, twelve thousand one hundred and twenty dollars, . . .	12,120 00	
Ashburnham, eleven hundred and sixty dollars, . . .	1,160 00	
Ashby, eight hundred and eighty dollars, . . .	880 00	
Ashfield, seven hundred and twenty dollars, . . .	720 00	
Ashland, twelve hundred and eighty dollars, . . .	1,280 00	
Athol, fifty-two hundred and eighty dollars, . . .	5,280 00	
Attleborough, thirteen thousand four hundred dol- lars, . . .	13,400 00	
Auburn, twelve hundred and forty dollars, . . .	1,240 00	
Avon, eleven hundred and sixty dollars, . . .	1,160 00	
Ayer, twenty-three hundred and twenty dollars, . . .	2,320 00	
Barnstable, sixty-one hundred and sixty dollars, . . .	6,160 00	
Barre, two thousand and forty dollars, . . .	2,040 00	
Becket, six hundred dollars, . . .	600 00	
Bedford, fourteen hundred and eighty dollars, . . .	1,480 00	
Belchertown, ten hundred and eighty dollars, . . .	1,080 00	
Bellingham, one thousand dollars, . . .	1,000 00	
Belmont, sixty-eight hundred and forty dollars, . . .	6,840 00	
Berkley, five hundred and twenty dollars, . . .	520 00	
Berlin, six hundred and forty dollars, . . .	640 00	
Bernardston, five hundred and twenty dollars, . . .	520 00	
Beverly, twenty-eight thousand eight hundred dol- lars, . . .	28,800 00	
Billerica, twenty-eight hundred and forty dollars, . . .	2,840 00	
Blackstone, twenty-eight hundred and forty dollars, . . .	2,840 00	
Blandford, five hundred and twenty dollars, . . .	520 00	
Bolton, six hundred dollars, . . .	600 00	
Boston, one million four hundred and thirty-eight thousand eight hundred dollars, . . .	1,438,800 00	
Bourne, thirty-four hundred and forty dollars, . . .	3,440 00	
Boxborough, two hundred and eighty dollars, . . .	280 00	
Boxford, fifteen hundred and twenty dollars, . . .	1,520 00	
Boylston, five hundred and twenty dollars, . . .	520 00	
Braintree, sixty-two hundred dollars, . . .	6,200 00	
Brewster, seven hundred and twenty dollars, . . .	720 00	
Bridgewater, thirty-nine hundred and sixty dollars, . . .	3,960 00	
Brimfield, four hundred and eighty dollars, . . .	480 00	
Brockton, forty thousand nine hundred and twenty dollars, . . .	40,920 00	
Brookfield, fifteen hundred and twenty dollars, . . .	1,520 00	
Brookline, one hundred twelve thousand six hun- dred and eighty dollars, . . .	112,680 00	

State tax ap-
portioned and
assessed.

Buckland, eight hundred and eighty dollars,	\$880 00
Burlington, seven hundred and twenty dollars,	720 00
Cambridge, one hundred twenty-two thousand seven hundred and twenty dollars,	122,720 00
Canton, forty-nine hundred and sixty dollars,	4,960 00
Carlisle, five hundred and twenty dollars,	520 00
Carver, fourteen hundred dollars,	1,400 00
Charlemont, five hundred and twenty dollars,	520 00
Charlton, fourteen hundred and eighty dollars,	1,480 00
Chatham, twelve hundred and eighty dollars,	1,280 00
Chelmsford, thirty-seven hundred and sixty dollars,	3,760 00
Chelsea, thirty thousand nine hundred and twenty dollars,	30,920 00
Cheshire, nine hundred and twenty dollars,	920 00
Chester, eight hundred dollars,	800 00
Chesterfield, three hundred and sixty dollars,	360 00
Chicopee, twelve thousand eight hundred and eighty dollars,	12,880 00
Chilmark, three hundred and twenty dollars,	320 00
Clarksburg, three hundred and sixty dollars,	360 00
Clinton, ninety-four hundred dollars,	9,400 00
Cohasset, seventy-eight hundred dollars,	7,800 00
Colrain, eight hundred and eighty dollars,	880 00
Concord, seventy-one hundred and sixty dollars,	7,160 00
Conway, eight hundred and forty dollars,	840 00
Cummington, four hundred dollars,	400 00
Dalton, forty-two hundred and forty dollars,	4,240 00
Dana, four hundred and forty dollars,	440 00
Danvers, seven thousand dollars,	7,000 00
Dartmouth, forty-five hundred and twenty dollars,	4,520 00
Dedham, thirteen thousand five hundred and twenty dollars,	13,520 00
Deerfield, eighteen hundred and forty dollars,	1,840 00
Dennis, sixteen hundred dollars,	1,600 00
Dighton, eleven hundred and sixty dollars,	1,160 00
Douglas, fourteen hundred and eighty dollars,	1,480 00
Dover, fourteen hundred dollars,	1,400 00
Dracut, twenty-five hundred and twenty dollars,	2,520 00
Dudley, eighteen hundred and eighty dollars,	1,880 00
Dunstable, three hundred and sixty dollars,	360 00
Duxbury, twenty-three hundred and sixty dollars,	2,360 00
East Bridgewater, twenty-two hundred and eighty dollars,	2,280 00
East Longmeadow, eight hundred dollars,	800 00
Eastham, four hundred dollars,	400 00
Easthampton, forty-eight hundred dollars,	4,800 00
Easton, sixty-three hundred and twenty dollars,	6,320 00
Edgartown, ten hundred and eighty dollars,	1,080 00

Egremont, five hundred and sixty dollars, . . .	\$560 00	State tax ap- portioned and assessed.
Enfield, nine hundred and sixty dollars, . . .	960 00	
Erving, one thousand dollars, . . .	1,000 00	
Essex, thirteen hundred and sixty dollars, . . .	1,360 00	
Everett, twenty-seven thousand and forty dollars,	27,040 00	
Fairhaven, thirty-five hundred and twenty dollars,	3,520 00	
Fall River, ninety-seven thousand four hundred and eighty dollars, . . .	97,480 00	
Falmouth, ninety-four hundred and eighty dollars,	9,480 00	
Fitchburg, thirty-two thousand dollars, . . .	32,000 00	
Florida, two hundred dollars, . . .	200 00	
Foxborough, twenty-four hundred and eighty dol- lars, . . .	2,480 00	
Framingham, twelve thousand three hundred and sixty dollars, . . .	12,360 00	
Franklin, forty-one hundred and sixty dollars, . .	4,160 00	
Freetown, ten hundred and eighty dollars, . . .	1,080 00	
Gardner, eighty-four hundred and eighty dollars, .	8,480 00	
Gay Head, forty dollars, . . .	40 00	
Georgetown, twelve hundred dollars, . . .	1,200 00	
Gill, five hundred and twenty dollars, . . .	520 00	
Gloucester, twenty-five thousand four hundred and eighty dollars, . . .	25,480 00	
Goshen, two hundred dollars, . . .	200 00	
Gosnold, three hundred and sixty dollars, . . .	360 00	
Grafton, three thousand and forty dollars, . . .	3,040 00	
Granby, five hundred and sixty dollars, . . .	560 00	
Granville, five hundred and twenty dollars, . . .	520 00	
Great Barrington, sixty-five hundred and sixty dol- lars, . . .	6,560 00	
Greenfield, eighty-seven hundred and twenty dol- lars, . . .	8,720 00	
Greenwich, three hundred and twenty dollars, . .	320 00	
Groton, thirty-seven hundred and twenty dollars, .	3,720 00	
Groveland, fourteen hundred dollars, . . .	1,400 00	
Hadley, fourteen hundred and forty dollars, . . .	1,440 00	
Halifax, four hundred and forty dollars, . . .	440 00	
Hamilton, forty-two hundred dollars, . . .	4,200 00	
Hampden, four hundred and forty dollars, . . .	440 00	
Hancock, three hundred and sixty dollars, . . .	360 00	
Hanover, seventeen hundred and sixty dollars, . .	1,760 00	
Hanson, fifteen hundred and twenty dollars, . . .	1,520 00	
Hardwick, twenty-one hundred and twenty dollars,	2,120 00	
Harvard, fourteen hundred dollars, . . .	1,400 00	
Harwich, fifteen hundred and twenty dollars, . .	1,520 00	
Hatfield, seventeen hundred and sixty dollars, . .	1,760 00	
Haverhill, thirty-three thousand five hundred and twenty dollars, . . .	33,520 00	

State tax ap-
portioned and
assessed.

Hawley, two hundred dollars,	\$200 00
Heath, two hundred dollars,	200 00
Hingham, fifty-eight hundred dollars,	5,800 00
Hinsdale, seven hundred and sixty dollars,	760 00
Holbrook, seventeen hundred and sixty dollars,	1,760 00
Holden, nineteen hundred and twenty dollars,	1,920 00
Holland, one hundred and twenty dollars,	120 00
Holliston, nineteen hundred and twenty dollars,	1,920 00
Holyoke, fifty thousand eight hundred dollars,	50,800 00
Hopedale, sixty-seven hundred and twenty dollars,	6,720 00
Hopkinton, two thousand and forty dollars,	2,040 00
Hubbardston, eight hundred and forty dollars,	840 00
Hudson, forty-three hundred and sixty dollars,	4,360 00
Hull, forty-eight hundred and eighty dollars,	4,880 00
Huntington, seven hundred and sixty dollars,	760 00
Hyde Park, fifteen thousand and forty dollars,	15,040 00
Ipswich, five thousand and forty dollars,	5,040 00
Kingston, two thousand dollars,	2,000 00
Lakeville, eight hundred dollars,	800 00
Lancaster, forty-one hundred and sixty dollars,	4,160 00
Lanesborough, six hundred dollars,	600 00
Lawrence, sixty thousand two hundred dollars,	60,200 00
Lee, twenty-six hundred dollars,	2,600 00
Leicester, twenty-seven hundred and sixty dollars,	2,760 00
Lenox, fifty-four hundred and forty dollars,	5,440 00
Leominster, twelve thousand one hundred and sixty dollars,	12,160 00
Leverett, four hundred dollars,	400 00
Lexington, seventy-eight hundred dollars,	7,800 00
Leyden, two hundred and forty dollars,	240 00
Lincoln, thirty-four hundred and forty dollars,	3,440 00
Littleton, eleven hundred and sixty dollars,	1,160 00
Longmeadow, twelve hundred and eighty dollars,	1,280 00
Lowell, eighty-seven thousand seven hundred and twenty dollars,	87,720 00
Ludlow, thirty-four hundred and forty dollars,	3,440 00
Lunenburg, twelve hundred dollars,	1,200 00
Lynn, seventy-five thousand five hundred and twenty dollars,	75,520 00
Lynnfield, eight hundred and forty dollars,	840 00
Malden, forty-one thousand four hundred and forty dollars,	41,440 00
Manchester, fifteen thousand three hundred and sixty dollars,	15,360 00
Mansfield, thirty-two hundred and forty dollars,	3,240 00
Marblehead, eighty-nine hundred and twenty dol- lars,	8,920 00
Marion, nineteen hundred and sixty dollars,	1,960 00
Marlborough, twelve thousand and forty dollars,	12,040 00

Marshfield, two thousand and forty dollars, . . .	\$2,040 00	State tax ap- portioned and assessed.
Mashpee, two hundred and forty dollars, . . .	240 00	
Mattapoisett, nineteen hundred and twenty dollars, . . .	1,920 00	
Maynard, forty-five hundred and twenty dollars, . . .	4,520 00	
Medfield, two thousand dollars, . . .	2,000 00	
Medford, twenty-five thousand three hundred and twenty dollars, . . .	25,320 00	
Medway, sixteen hundred and forty dollars, . . .	1,640 00	
Melrose, eighteen thousand dollars, . . .	18,000 00	
Mendon, seven hundred and sixty dollars, . . .	760 00	
Merrimac, fourteen hundred and eighty dollars, . . .	1,480 00	
Methuen, sixty-four hundred dollars, . . .	6,400 00	
Middleborough, fifty-four hundred and forty dol- lars, . . .	5,440 00	
Middlefield, two hundred and forty dollars, . . .	240 00	
Middleton, eight hundred and eighty dollars, . . .	880 00	
Milford, eighty-two hundred and forty dollars, . . .	8,240 00	
Millbury, twenty-eight hundred and eighty dollars, . . .	2,880 00	
Millis, eight hundred and eighty dollars, . . .	880 00	
Milton, twenty-eight thousand three hundred and sixty dollars, . . .	28,360 00	
Monroe, two hundred dollars, . . .	200 00	
Monson, twenty-three hundred and sixty dollars, . . .	2,360 00	
Montague, forty-nine hundred and sixty dollars, . . .	4,960 00	
Monterey, three hundred and sixty dollars, . . .	360 00	
Montgomery, one hundred and sixty dollars, . . .	160 00	
Mount Washington, eighty dollars, . . .	80 00	
Nahant, eight thousand and forty dollars, . . .	8,040 00	
Nantucket, thirty-six hundred and eighty dollars, . . .	3,680 00	
Natick, eighty-two hundred dollars, . . .	8,200 00	
Needham, fifty-four hundred dollars, . . .	5,400 00	
New Ashford, eighty dollars, . . .	80 00	
New Bedford, seventy-eight thousand six hundred dollars, . . .	78,600 00	
New Braintree, four hundred and eighty dollars, . . .	480 00	
New Marlborough, seven hundred and twenty dol- lars, . . .	720 00	
New Salem, four hundred dollars, . . .	400 00	
Newbury, fifteen hundred and twenty dollars, . . .	1,520 00	
Newburyport, thirteen thousand six hundred and eighty dollars, . . .	13,680 00	
Newton, eighty-one thousand five hundred and sixty dollars, . . .	81,560 00	
Norfolk, eight hundred and forty dollars, . . .	840 00	
North Adams, eighteen thousand six hundred and forty dollars, . . .	18,640 00	
North Andover, fifty-seven hundred and sixty dol- lars, . . .	5,760 00	
North Attleborough, six thousand dollars, . . .	6,000 00	

State tax ap-
portioned and
assessed.

North Brookfield, nineteen hundred and sixty dol- lars,	\$1,960 00
North Reading, seven hundred and sixty dollars,	760 00
Northampton, fifteen thousand three hundred and twenty dollars,	15,320 00
Northborough, sixteen hundred and forty dollars,	1,640 00
Northbridge, fifty-nine hundred and sixty dollars,	5,960 00
Northfield, fourteen hundred and forty dollars,	1,440 00
Norton, twelve hundred and eighty dollars,	1,280 00
Norwell, twelve hundred and forty dollars,	1,240 00
Norwood, sixty-nine hundred and twenty dollars,	6,920 00
Oak Bluffs, eighteen hundred and eighty dollars,	1,880 00
Oakham, four hundred and forty dollars,	440 00
Orange, forty-four hundred and eighty dollars,	4,480 00
Orleans, eight hundred dollars,	800 00
Otis, two hundred and eighty dollars,	280 00
Oxford, twenty-one hundred and twenty dollars,	2,120 00
Palmer, forty-four hundred and eighty dollars,	4,480 00
Paxton, four hundred dollars,	400 00
Peabody, eleven thousand one hundred and sixty dollars,	11,160 00
Pelham, two hundred and forty dollars,	240 00
Pembroke, ten hundred and eighty dollars,	1,080 00
Pepperell, twenty-seven hundred and twenty dol- lars,	2,720 00
Peru, one hundred and sixty dollars,	160 00
Petersham, eight hundred and forty dollars,	840 00
Phillipston, three hundred and twenty dollars,	320 00
Pittsfield, twenty-two thousand seven hundred and sixty dollars,	22,760 00
Plainfield, two hundred and forty dollars,	240 00
Plainville, eight hundred and forty dollars,	840 00
Plymouth, eleven thousand six hundred and forty dollars,	11,640 00
Plympton, four hundred dollars,	400 00
Prescott, two hundred and forty dollars,	240 00
Princeton, twelve hundred and forty dollars,	1,240 00
Provincetown, twenty-four hundred and forty dol- lars,	2,440 00
Quincy, thirty-one thousand three hundred and twenty dollars,	31,320 00
Randolph, twenty-eight hundred dollars,	2,800 00
Raynham, nine hundred and sixty dollars,	960 00
Reading, fifty-seven hundred and sixty dollars,	5,760 00
Rehoboth, nine hundred and sixty dollars,	960 00
Revere, fourteen thousand seven hundred and twenty dollars,	14,720 00
Richmond, four hundred dollars,	400 00

Rochester, seven hundred and twenty dollars, . . .	\$720 00	State tax ap- portioned and assessed.
Rockland, forty-four hundred and forty dollars, . .	4,440 00	
Rockport, thirty-six hundred dollars,	3,600 00	
Rowe, two hundred and forty dollars,	240 00	
Rowley, nine hundred and twenty dollars,	920 00	
Royalston, six hundred and eighty dollars,	680 00	
Russell, seven hundred and twenty dollars,	720 00	
Rutland, eight hundred and forty dollars,	840 00	
Salem, thirty-seven thousand nine hundred and sixty dollars,	37,960 00	
Salisbury, one thousand dollars,	1,000 00	
Sandisfield, four hundred dollars,	400 00	
Sandwich, twelve hundred dollars,	1,200 00	
Saugus, fifty-four hundred and forty dollars, . . .	5,440 00	
Savoy, two hundred and forty dollars,	240 00	
Scituate, forty-four hundred dollars,	4,400 00	
Seekonk, twelve hundred and eighty dollars, . . .	1,280 00	
Sharon, twenty-six hundred and eighty dollars, . .	2,680 00	
Sheffield, twelve hundred and eighty dollars, . . .	1,280 00	
Shelburne, twelve hundred and forty dollars, . . .	1,240 00	
Sherborn, fourteen hundred and eighty dollars, . .	1,480 00	
Shirley, twelve hundred dollars,	1,200 00	
Shrewsbury, seventeen hundred and sixty dollars, .	1,760 00	
Shutesbury, two hundred and forty dollars, . . .	240 00	
Somerset, fourteen hundred and eighty dollars, . .	1,480 00	
Somerville, seventy thousand one hundred and sixty dollars,	70,160 00	
South Hadley, thirty-four hundred dollars,	3,400 00	
Southampton, six hundred dollars,	600 00	
Southborough, twenty-three hundred and twenty dollars,	2,320 00	
Southbridge, sixty-eight hundred dollars,	6,800 00	
Southwick, seven hundred and sixty dollars, . . .	760 00	
Spencer, forty-eight hundred and eighty dollars, .	4,880 00	
Springfield, one hundred three thousand two hun- dred and eighty dollars,	103,280 00	
Sterling, eleven hundred and sixty dollars,	1,160 00	
Stockbridge, four thousand and eighty dollars, . .	4,080 00	
Stoneham, fifty-eight hundred and eighty dollars, .	5,880 00	
Stoughton, forty-three hundred and twenty dollars, .	4,320 00	
Stow, one thousand dollars,	1,000 00	
Sturbridge, twelve hundred dollars,	1,200 00	
Sudbury, fourteen hundred and forty dollars, . . .	1,440 00	
Sunderland, six hundred and forty dollars,	640 00	
Sutton, fifteen hundred and twenty dollars,	1,520 00	
Swampscott, ninety-nine hundred and twenty dol- lars,	9,920 00	
Swansea, sixteen hundred and eighty dollars, . . .	1,680 00	

State tax ap-
portioned and
assessed.

Taunton, twenty-seven thousand eight hundred and eighty dollars,	\$27,880 00
Templeton, two thousand and eighty dollars,	2,080 00
Tewksbury, eleven hundred and sixty dollars,	1,160 00
Tisbury, sixteen hundred and eighty dollars,	1,680 00
Tolland, two hundred dollars,	200 00
Topsfield, twelve hundred and forty dollars,	1,240 00
Townsend, fourteen hundred and eighty dollars,	1,480 00
Truro, four hundred and eighty dollars,	480 00
Tyngsborough, six hundred and forty dollars,	640 00
Tyringham, three hundred and twenty dollars,	320 00
Upton, thirteen hundred and twenty dollars,	1,320 00
Uxbridge, thirty-four hundred dollars,	3,400 00
Wakefield, ten thousand and forty dollars,	10,040 00
Wales, three hundred and sixty dollars,	360 00
Walpole, forty-four hundred and forty dollars,	4,440 00
Waltham, twenty-eight thousand four hundred dol- lars,	28,400 00
Ware, fifty-six hundred and forty dollars,	5,640 00
Wareham, forty-two hundred and eighty dollars,	4,280 00
Warren, twenty-four hundred dollars,	2,400 00
Warwick, four hundred dollars,	400 00
Washington, three hundred and twenty dollars,	320 00
Watertown, fourteen thousand seven hundred and twenty dollars,	14,720 00
Wayland, twenty-four hundred and forty dollars,	2,440 00
Webster, ninety-six hundred and eighty dollars,	9,680 00
Wellesley, fourteen thousand four hundred and forty dollars,	14,440 00
Wellfleet, twelve hundred dollars,	1,200 00
Wendell, two hundred and eighty dollars,	280 00
Wenham, twenty-four hundred and forty dollars,	2,440 00
West Boylston, eight hundred and eighty dollars,	880 00
West Bridgewater, thirteen hundred and sixty dol- lars,	1,360 00
West Brookfield, ten hundred and forty dollars,	1,040 00
West Newbury, twelve hundred and eighty dollars,	1,280 00
West Springfield, seven thousand and forty dol- lars,	7,040 00
West Stockbridge, five hundred and twenty dollars,	520 00
West Tisbury, five hundred and twenty dollars,	520 00
Westborough, thirty-seven hundred and sixty dol- lars,	3,760 00
Westfield, ten thousand eight hundred dollars,	10,800 00
Westford, twenty-four hundred and forty dollars,	2,440 00
Westhampton, two hundred and eighty dollars,	280 00
Westminster, nine hundred and sixty dollars,	960 00
Weston, seventy-seven hundred and twenty dollars,	7,720 00

Westport, two thousand and eighty dollars, . . .	\$2,080 00	State tax ap- portioned and assessed.
Westwood, twenty-four hundred and forty dollars, . . .	2,440 00	
Weymouth, eighty-four hundred and eighty dollars, . . .	8,480 00	
Whately, five hundred and sixty dollars, . . .	560 00	
Whitman, fifty-two hundred dollars, . . .	5,200 00	
Wilbraham, twelve hundred and forty dollars, . . .	1,240 00	
Williamsburg, eleven hundred and sixty dollars, . . .	1,160 00	
Williamstown, thirty-five hundred and sixty dollars, . . .	3,560 00	
Wilmington, fifteen hundred and twenty dollars, . . .	1,520 00	
Winchendon, four thousand and forty dollars, . . .	4,040 00	
Winchester, thirteen thousand one hundred and sixty dollars, . . .	13,160 00	
Windsor, three hundred and twenty dollars, . . .	320 00	
Winthrop, ten thousand seven hundred and twenty dollars, . . .	10,720 00	
Woburn, twelve thousand five hundred and sixty dollars, . . .	12,560 00	
Worcester, one hundred fifty thousand one hundred and twenty dollars, . . .	150,120 00	
Worthington, three hundred and sixty dollars, . . .	360 00	
Wrentham, twelve hundred dollars, . . .	1,200 00	
Yarmouth, twenty-three hundred and twenty dol- lars, . . .	2,320 00	

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of section thirty-four of chapter twelve of the Revised Laws, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the fifteenth day of November in the year nineteen hundred and seven, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of September in the year nineteen hundred and seven.

Notice to
treasurers of
delinquent
cities and
towns.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per cent per month during such delinquency from and after the fifteenth day of November in the year nineteen hundred and seven; and if the same remains unpaid after the first day of December in the year nineteen hundred and seven, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

Approved June 27, 1907.

Chap. 563 AN ACT RELATIVE TO THE TAXATION OF LEGACIES AND SUCCESSIONS.

Be it enacted, etc., as follows:

Taxation of
legacies and
successions,
etc.

SECTION 1. All property within the jurisdiction of the Commonwealth, corporeal or incorporeal, and any interest therein, whether belonging to inhabitants of the Commonwealth or not, which shall pass by will, or by the laws regulating intestate succession, or by deed, grant, or gift, except in cases of a bona fide purchase for full consideration in money or money's worth, made or intended to take effect in possession or enjoyment after the death of the grantor, to any person, absolutely or in trust, except to or for the use of charitable, educational or religious societies or institutions, the property of which is by law exempt from taxation, or for or upon trust for any charitable purposes, or to or for the use of a city or town for public purposes, or to or for the use of (class A) the husband, wife, lineal ancestor, lineal descendant, adopted child, the lineal descendant of any adopted child, the wife or widow of a son, or the husband of a daughter, of a

decedent, or to or for the use of (class B) the brother, sister, nephew or niece of a decedent, shall be subject to a tax of five per cent of its value for the use of the Commonwealth; and such property which shall so pass to or for the use of a member of class A shall be subject to a tax of one per cent of its value for the use of the Commonwealth if such value does not exceed fifty thousand dollars, to a tax of one and one half per cent if its value exceeds fifty thousand and does not exceed one hundred thousand dollars, and to a tax of two per cent if its value exceeds one hundred thousand dollars; and such property which shall so pass to or for the use of a member of class B shall be subject to a tax of three per cent of its value for the use of the Commonwealth if such value does not exceed twenty-five thousand dollars, to a tax of four per cent if its value exceeds twenty-five thousand and does not exceed one hundred thousand dollars, and to a tax of five per cent if its value exceeds one hundred thousand dollars; and administrators, executors and trustees, and any grantees under such conveyance made during the grantor's life, shall be liable for such taxes, with interest, until the same have been paid; but no bequest, devise or distributive share of an estate which shall so pass to or for the use of a husband, wife, father, mother, child or adopted child of the deceased, unless its value exceeds ten thousand dollars, and no other bequest, devise or distributive share of an estate unless its value exceeds one thousand dollars, shall be subject to the provisions of this act; but no tax shall be exacted upon property so passing which shall reduce its value below the amount of the above exemptions.

Taxation of legacies and successions, etc.

SECTION 2. When the personal estate so passing from any person not an inhabitant of this Commonwealth shall consist in whole or in part of shares in any railroad or street railway company or telegraph or telephone company incorporated under the laws of this Commonwealth and also of some other state or country, so much only of each share as is proportional to the part of such company's line lying within this Commonwealth shall be considered as property of such person within the jurisdiction of the Commonwealth for the purposes of this act.

Concerning certain personal estate passing in succession.

SECTION 3. Property of a resident of the Commonwealth which is not therein at the time of his death shall

Property of a resident not subject to

taxation in
certain cases,
etc.

not be taxable under the provisions of this act if legally subject in another state or country to a tax of like character and amount to that hereby imposed, and if such tax be actually paid or guaranteed or secured in accordance with law in such other state or country; if legally subject in another state or country to a tax of like character but of less amount than that hereby imposed and such tax be actually paid or guaranteed or secured as aforesaid, such property shall be taxable under this act to the extent of the difference between the tax thus actually paid, guaranteed or secured, and the amount for which such property would otherwise be liable hereunder. Property of a non-resident decedent which is within the jurisdiction of the Commonwealth at the time of his death, if subject to a tax of like character with that imposed by this act by the law of the state or country of his residence, shall be subject only to such portion of the tax hereby imposed as may be in excess of such tax imposed by the laws of such state or country: *provided*, that a like exemption is made by the laws of such other state or country in favor of estates of citizens of this Commonwealth, but no such exemption shall be allowed until such tax provided for by the law of such other state or country shall be actually paid, guaranteed, or secured in accordance with law.

Proviso.

Taxes imposed
under this act
payable to the
treasurer and
receiver general,
etc.

SECTION 4. Except as hereinafter provided, taxes imposed by the provisions of this act shall be payable to the treasurer and receiver general by the executors, administrators or trustees at the expiration of two years after the date of their giving bond; but if legacies or distributive shares are paid within the two years, the taxes thereon shall be payable at the same time. If the probate court, acting under the provisions of section thirteen of chapter one hundred and forty-one of the Revised Laws, has ordered the executor or administrator to retain funds to satisfy a claim of a creditor, the payment of the tax may be suspended by the court to await the disposition of such claim. In all cases where there shall be a grant, devise, descent, or bequest to take effect in possession or come into actual enjoyment after the expiration of one or more life estates or a term of years, the taxes thereon shall be payable by the executors, administrators or trustees in office when such right of possession accrues, or, if there is no such executor, administrator or trustee, by the person

or persons so entitled thereto, at the expiration of one year after the date when the right of possession accrues to the person or persons so entitled. If the taxes are not paid when due, interest shall be charged and collected from the time the same became payable. Property of which a decedent died seized or possessed, subject to taxes as aforesaid, in whatever form of investment it may happen to be, and all property acquired in substitution therefor, shall be charged with a lien for all taxes and interest thereon which are or may become due on such property; but said lien shall not affect any personal property after the same has been sold or disposed of for value by the executors, administrators or trustees. The lien charged by this act upon any real estate or separate parcel thereof may be discharged by the payment of all taxes due and to become due upon said real estate or separate parcel, or by an order or decree of the probate court discharging said lien and securing the payment to the Commonwealth of the tax due or to become due by bond or deposit as hereinafter provided, or by transferring such lien to other real estate owned by the owner or owners of said real estate or separate parcel thereof.

Interest to be charged in certain cases.

Lien, how discharged.

SECTION 5. In every case where there shall be a bequest or grant of personal estate made or intended to take effect in possession or enjoyment after the death of the grantor, to take effect in possession or come into actual enjoyment after the expiration of one or more life estates or a term of years, whether conditioned upon the happening of a contingency or dependent upon the exercise of a discretion, or subject to a power of appointment or otherwise, the executor or administrator or grantee may deposit with the treasurer and receiver general a sum of money sufficient in the opinion of the tax commissioner to pay all taxes which may become due upon such bequest or grant, and the person or persons having the right to the use or income of such personal estate shall be entitled to receive from the Commonwealth interest at the rate of two and one half per cent per annum upon such deposit, and when said tax shall become due the treasurer and receiver general shall repay to the persons entitled thereto the difference between the tax certified and the amount deposited; or any executor, administrator, trustee or grantee, or any person interested in such bequest or grant may give bond

Payment of tax, etc.

to a judge of the probate court having jurisdiction of the estate of the decedent, in such amount and with such sureties as said court may approve, with the condition that the obligor shall notify the tax commissioner when said tax becomes due and shall then pay the same to the treasurer and receiver general.

Tax to be assessed upon actual value, etc.

SECTION 6. Except as hereinafter provided, said tax shall be assessed upon the actual value of the property at the time of the death of the decedent. In every case where there shall be a devise, descent, bequest or grant to take effect in possession or enjoyment after the expiration of one or more life estates or a term of years, the tax shall be assessed on the actual value of the property or the interest of the beneficiary therein at the time when he becomes entitled to the same in possession or enjoyment. The value of an annuity or a life interest in any such property, or any interest therein less than an absolute interest, shall be determined by the "Actuaries' Combined Experience Tables" at four per cent compound interest.

Persons entitled to a future interest may pay the tax on account of the same, etc.

SECTION 7. Any person or persons entitled to a future interest or to future interests in any property may pay the tax on account of the same at any time before such tax would be due in accordance with the provisions hereinbefore contained, and in such cases the tax shall be assessed upon the actual value of the interest at the time of the payment of the tax, and such value shall be determined by the tax commissioner as hereinafter provided. In every case in which it is impossible to compute the present value of the future interest the tax commissioner may, with the approval of the attorney-general, effect such settlement of the tax as he shall deem to be for the best interests of the Commonwealth, and payment of the sum so agreed upon shall be a full satisfaction of such tax.

Property bequeathed to an executor, etc., in lieu of compensation, subject to the provisions of this act.

SECTION 8. If a testator gives, bequeaths or devises to his executors or trustees any property otherwise liable to said tax, in lieu of their compensation, the value thereof in excess of reasonable compensation, as determined by the probate court upon the application of any interested party or of the tax commissioner, shall nevertheless be subject to the provisions of this act.

Executor, etc., holding property subject to tax shall deduct the tax

SECTION 9. An executor, administrator or trustee holding property subject to said tax shall deduct the tax therefrom or collect it from the legatee or person entitled to

said property; and he shall not deliver property or a specific legacy subject to said tax until he has collected the tax thereon. An executor or administrator shall collect taxes due upon land which is subject to tax under the provisions hereof from the heirs or devisees entitled thereto, and he may be authorized to sell said land, according to the provisions of section twelve, if they refuse or neglect to pay said tax.

or collect it from the legatee, etc.

SECTION 10. If a legacy subject to said tax is charged upon or payable out of real estate, the heir or devisee, before paying it, shall deduct said tax therefrom and pay it to the executor, administrator or trustee, and the tax shall remain a lien upon said real estate until it is paid. Payment thereof may be enforced by the executor, administrator or trustee in the same manner as the payment of the legacy itself could be enforced.

If a legacy is payable out of real estate the devisee shall pay the tax to the executor, etc.

SECTION 11. When provision is made by any will or other instrument for payment of the legacy or succession tax upon any gift thereby made out of any property other than that so given, no tax shall be chargeable upon any money to be applied in payment of such tax.

No tax chargeable upon money applied in payment of succession tax in certain cases.

SECTION 12. The probate court may authorize executors, administrators and trustees to sell the real estate of a decedent for the payment of said tax in the same manner as it may authorize them to sell real estate for the payment of debts.

The probate court may authorize executors, etc., to sell real estate in certain cases, etc.

SECTION 13. An inventory and appraisal under oath of every estate shall be filed in the probate court or with the tax commissioner by the executor, administrator or trustee within three months after his appointment. If he neglects or refuses to file such inventory and appraisal he shall be liable to a penalty of not more than one thousand dollars, which shall be recovered by the tax commissioner for the use of the Commonwealth, and the register of probate shall notify the tax commissioner within thirty days after the expiration of said three months of the failure of any executor, administrator or trustee to file an inventory and appraisal in his office.

Inventory, etc., to be filed within three months after appointment of executor, etc.

SECTION 14. The register of probate shall record the inventory and appraisal of every estate which is filed in his office, and he shall, within thirty days after the same has been filed, send by mail to the tax commissioner such inventory and appraisal or a copy thereof. The register

Inventory, etc., to be recorded, etc.

shall also, within the same period, send by mail to the tax commissioner a copy of the will of the decedent, if such has been allowed by the probate court. The register shall also furnish such copies of papers in his office as the tax commissioner shall require, and shall furnish information as to the records and files in his office in such form as the tax commissioner may require. A refusal or neglect by the register so to send such inventory and appraisal or copy thereof, or to furnish such copies or information, shall be a breach of his official bond.

In cases of assignment or transfer of stock the tax shall be paid to the treasurer and receiver general, etc.

SECTION 15. If a foreign executor, administrator or trustee assigns or transfers any stock in any national bank located in this Commonwealth or in any corporation organized under the laws of this Commonwealth, owned by a deceased non-resident at the date of his death and liable to a tax under the provisions of this act, the tax shall be paid to the treasurer and receiver general at the time of such assignment or transfer; and if it is not paid when due, such executor, administrator or trustee shall be personally liable therefor until it is paid. A bank located in this Commonwealth or a corporation organized under the laws of this Commonwealth which shall record a transfer of any share of its stock made by a foreign executor, administrator or trustee, or issue a new certificate for a share of its stock at the instance of a foreign executor, administrator or trustee, before all taxes imposed thereon by the provisions of this act have been paid, shall be liable for such tax in an action of contract brought by the treasurer and receiver general.

Securities belonging to the estate of a deceased non-resident not to be delivered, etc., unless license therefor has been issued under the provisions of the Revised Laws, etc.

SECTION 16. Securities or assets belonging to the estate of a deceased non-resident shall not be delivered or transferred to a foreign executor, administrator or legal representative of said decedent, unless such executor, administrator or legal representative has been licensed to receive such securities or assets under the provisions of section three of chapter one hundred and forty-eight of the Revised Laws, without serving notice upon the tax commissioner of the time and place of such intended delivery or transfer, seven days at least before the time of such delivery or transfer, but the notice required by section three of said chapter one hundred and forty-eight to be given to the treasurer and receiver general shall be given to the tax commissioner in regard to all property subject to the provisions of this act, instead of being given to the treas-

urer and receiver general. The tax commissioner, either personally or by representative, may examine such securities or assets at the time of such delivery or transfer. Failure to serve such notice or to allow such examination shall render the person or corporation making the delivery or transfer liable, in an action of contract brought by the treasurer and receiver general, to the payment of the tax due upon said securities or assets.

SECTION 17. The tax commissioner shall be made a party to all petitions by foreign executors, administrators or trustees brought under the provisions of section three of chapter one hundred and forty-eight of the Revised Laws, and no decree shall be made upon any such petition unless it appears that notice of such petition has been served on the tax commissioner fourteen days at least before the return of such petition.

The tax commissioner to be a party to petitions by foreign executors, etc.

SECTION 18. If a person who has paid such tax afterward refunds a portion of the property on which it was paid, or if it is judicially determined that the whole or any part of such tax ought not to have been paid, such tax, or the due proportion thereof, shall be repaid to him by the executor, administrator or trustee.

Tax may be refunded in certain cases, etc.

SECTION 19. The value of the property upon which the tax is computed shall be determined by the tax commissioner and notified by him to the person or persons by whom the tax is payable, and such determination shall be final unless the value so determined shall be reduced by proceedings as herein provided. At any time within three months after such determination the probate court shall, upon the application of any party interested in the succession, or of the executor, administrator or trustee, appoint one disinterested appraiser or three disinterested appraisers, who, first being sworn, shall appraise such property at its actual market value, as of the day of the death of the decedent and shall make return thereof to said court. Such return, when accepted by said court, shall be final: *provided*, that any party aggrieved by such appraisal shall have an appeal upon matters of law. One half of the fees of said appraisers, as determined by the judge of said court, shall be paid by the treasurer and receiver general, and one half of said fees shall be paid by the other party or parties to said proceeding.

Value of property liable to tax to be determined by the tax commissioner, etc..

SECTION 20. The tax commissioner shall determine the amount of tax due and payable upon any estate or upon

Tax commissioner shall certify amount

of tax due to the treasurer and receiver general, etc.

any part thereof, and shall certify the amount so due and payable to the treasurer and receiver general and to the person or persons by whom the tax is payable; but in the determination of the amount of any tax said tax commissioner shall not be required to consider any payments on account of debts or expenses of administration which have not been allowed by the probate court having jurisdiction of said estate. Payment of the amount so certified shall be a discharge of the tax. An executor, administrator, trustee or grantee who is aggrieved by any determination of the tax commissioner may, within one year after the payment of any tax to the treasurer and receiver general, apply by a petition in equity to the probate court having jurisdiction of the estate of the decedent for the abatement of said tax or any part thereof, and if the court adjudges that said tax or any part thereof was wrongly exacted it shall order an abatement of such portion of said tax as was assessed without authority of law. Upon a final decision ordering an abatement of any portion of said tax, the treasurer and receiver general shall pay the amount adjudged to have been illegally exacted, with interest, without any further act or resolve making appropriation therefor.

The probate court to hear and determine all questions, etc.

SECTION 21. The probate court having jurisdiction of the settlement of the estate of the decedent shall, subject to appeal as in other cases, hear and determine all questions relative to said tax, and the treasurer and receiver general shall represent the Commonwealth in any such proceedings. If the court shall find that any tax remains due, it shall order the executor, administrator or trustee to pay the same, with interest and costs; and execution shall be awarded against the goods and estate of the deceased in the hands of the executor, administrator or trustee, or, if it appears that there are no such goods or estate in his hands, against the goods and estate of the executor, administrator or trustee, as if for his own debt; but the administrators, executors, trustees, and grantees hereinbefore mentioned shall be personally liable only for such taxes as shall be payable while they continue in the said offices or have title as such grantees respectively.

If a will is not offered for probate within four months the probate

SECTION 22. If, upon the decease of a person leaving an estate liable to a tax under the provisions of this act, a will disposing of such estate is not offered for probate,

or an application for administration made within four months after such decease, the probate court, upon application by the tax commissioner, shall appoint an administrator, if it then appears that there is no will in existence.

court to appoint an administrator, etc.

SECTION 23. No final account of an executor, administrator or trustee shall be allowed by the probate court unless such account shows, and the judge of said court finds, that all taxes imposed by the provisions of this act upon any property or interest therein belonging to the estate to be settled by said account and already payable, have been paid, and that all taxes which may become due on said estate have been paid or settled as hereinbefore provided, or that the payment thereof to the Commonwealth is secured by bond or deposit or by lien on real estate. The certificate of the tax commissioner and the receipt of the treasurer and receiver general for the amount of the tax therein certified shall be conclusive as to the payment of the tax, to the extent of said certification.

No final account of an executor to be allowed unless all taxes imposed by this act have been paid, etc.

SECTION 24. The treasurer and receiver general shall commence proceedings for the recovery of any of said taxes within six months after the same become payable; and also whenever the judge of a probate court certifies to him that the final account of an executor, administrator or trustee has been filed in such court, and that the settlement of the estate is delayed because of the non-payment of said tax. The probate court shall so certify upon the application of any heir, legatee or other person interested therein, and may extend the time of payment of said tax whenever the circumstances of the case require.

The treasurer and receiver general to commence proceedings for the recovery of unpaid taxes, etc.

SECTION 25. This act shall not apply to estates of persons deceased prior to the date when it takes effect, or to property passing by deed, grant, sale, or gift made prior to said date; but said estates and property shall remain subject to the provisions of the laws in force prior to the passage of this act.

Not to apply in certain cases.

SECTION 26. Chapter fifteen of the Revised Laws, chapter four hundred and seventy-three of the acts of the year nineteen hundred and two, chapters two hundred and forty-eight, two hundred and fifty-one and two hundred and seventy-six of the acts of the year nineteen hundred and three, chapter four hundred and twenty-one of the acts of the year nineteen hundred and four, chapters three hundred and seven, three hundred and sixty-seven and

Repeal.

four hundred and seventy of the acts of the year nineteen hundred and five, chapter four hundred and thirty-six of the acts of the year nineteen hundred and six, and all other acts and parts of acts inconsistent herewith are hereby repealed, except so far as they apply to estates of persons deceased prior to the passage of this act.

When to take effect.

SECTION 27. This act shall take effect on the first day of September in the year nineteen hundred and seven.

Approved June 27, 1907.

Chap. 564

AN ACT RELATIVE TO THE TAX COMMISSIONER.

Be it enacted, etc., as follows:

R. L. 14, § 1, amended.

SECTION 1. Section one of chapter fourteen of the Revised Laws is hereby amended by striking out the words "thirty-five hundred", in the sixth line, and inserting in place thereof the words:— five thousand, — so as to read as follows:— *Section 1.* There shall be a tax commissioner appointed by the governor, with the advice and consent of the council, who shall also be the commissioner of corporations, and who shall hold his office for three years from the date of his commission unless sooner removed by the governor. He shall receive in full compensation for the duties of both offices an annual salary of five thousand dollars.

Tax commissioner, appointment, etc.

R. L. 14, § 2, etc., amended.

SECTION 2. Section two of chapter fourteen of the Revised Laws, as amended by chapter ninety-nine of the acts of the year nineteen hundred and four, and by chapter three hundred and twenty-two of the acts of the year nineteen hundred and six, is hereby further amended by striking out the said section, and inserting in place thereof the following:— *Section 2.* The commissioner may with the advice and consent of the governor and council appoint, and with their consent remove, a deputy commissioner to assist him in his duties who shall receive an annual salary of three thousand dollars. In case of a vacancy in the office of commissioner or during the absence or disability of that officer, the deputy commissioner shall perform the duties of the office, and service of process made on him shall be of the same force and effect as if made on the commissioner. The commissioner may also with the advice and consent of the governor and council appoint, and with their consent remove, three assistants at

Deputy tax commissioner, clerks, etc.

salaries to be approved by the governor and council. The commissioner may also appoint two permanent clerks, the first at a salary of two thousand dollars a year and the second at a salary of fifteen hundred dollars a year, and may procure such additional clerical and other assistance as may be necessary. He may also appoint from time to time such appraisers as may be necessary to appraise property subject to the inheritance tax, who shall receive such compensation for their services as he may fix.

SECTION 3. This act shall take effect upon its passage.

Approved June 28, 1907.

AN ACT RELATIVE TO THE GOVERNMENT OF THE CITY OF *Chap. 565*
CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter three hundred and sixty-four of the acts of the year eighteen hundred and ninety-one, as amended by chapter three hundred and fifty-seven of the acts of the year nineteen hundred and two, is hereby further amended by striking out the first sentence of said section, as follows: — “An annual election for the choice of city officers shall be holden on the Tuesday next following the second Monday in December, and all officers who are chosen by the qualified voters shall be chosen by ballot; and such officers, except the assessors and the members of the school committee, shall hold their respective offices for the succeeding municipal year; to wit, beginning with the first Monday in January succeeding the annual election and continuing till the first Monday in January of the year following and until others shall be chosen and qualified to act in their stead”, — and inserting in place thereof the following: — An annual election for the choice of city officers shall be holden on the Tuesday next following the second Monday in March, and all officers who are chosen by the qualified voters shall be chosen by ballot; and such officers, except the assessors, and the members of the school committee, shall hold their respective offices for the succeeding municipal year, to wit, beginning with the first Monday in April succeeding the annual election and continuing till the first Monday in April of the year following and until others shall be chosen and qualified to act in their stead.

1891, 364. § 4.
etc., amended.

Annual
municipal
election, etc.

1891, 364, § 8,
amended.

Executive
powers, etc.

SECTION 2. Said chapter three hundred and sixty-four is hereby further amended by striking out section eight and inserting in place thereof the following:— *Section 8.* The executive powers of said city shall continue to be vested in the mayor, to be exercised through the several officers and boards of the city in their respective departments, under his general supervision and control. He may call special meetings of the board of aldermen and of the common council, or either of them, when in his opinion the interests of the city require it, by causing the notification to be left at the usual dwelling place of each member of the board or boards to be convened, twenty-four hours at least before the time set for such meeting. He shall from time to time communicate to said boards respectively such information, and recommend such measures, as the interests of the city shall in his judgment require. The mayor shall cause the laws, ordinances, orders and regulations of the city to be executed and enforced. He shall exercise a general supervision and control over the official acts and conduct of all officers, and take proper action to cause every violation or neglect of duty to be punished. It shall be his duty to secure an honest, efficient, and economical conduct of the whole executive and administrative business of the city and the harmonious and concerted action of the different departments. The mayor may at any time summon boards, heads of departments or subordinate officers for information, consultation, or advice upon the affairs of the city, and he may at any time, with or without notice, and without expense to the city unless such expense has been authorized by the city council, investigate the affairs of any department and the official acts and conduct of any official in the administrative service of the city.

1891, 364, § 11,
amended.

Ordinances,
orders, etc.

SECTION 3. Said chapter three hundred and sixty-four is hereby further amended by striking out section eleven and inserting in place thereof the following:— *Section 11.* Every ordinance, order, resolution or vote for the passage of which concurrence of the board of aldermen and of the common council may be necessary, except on a question of the convention of the two branches, or of an investigation of any officer or department of the city government, and except as may otherwise be provided herein, and every order of either branch involving expenditure of

money, shall be presented to the mayor. If he approves thereof he shall signify his approval by signing the same, but if not he shall return the same with his objections in writing to the branch in which it originated, which shall enter the objections of the mayor, at length, upon its records and shall proceed to reconsider such ordinance, order, resolution or vote, and if after such reconsideration two thirds of said branch, notwithstanding the objections, vote to pass the same, it shall be in force, unless it originally required concurrent action, in which case it shall, together with the objections, be sent to the other branch of the city council, where it shall also be reconsidered, and if approved by two thirds of such other branch, it shall likewise be in force. In all such cases the vote shall be taken by yeas and nays. If such ordinance, order, resolution or vote shall not be returned within ten days after it was presented to the mayor, the same shall be in force. The mayor's approval shall likewise be required for, and he shall have a similar power of veto, and with like limitations, over any order or vote of the school committee involving the expenditure of money and any order or vote of the board of aldermen which involves the exercise of any of the powers conferred by law upon the mayor and aldermen, or upon the board of aldermen as a separate board, and such order or vote shall be reconsidered, and may be passed by a two thirds vote of said committee or board, notwithstanding the mayor's objections, as hereinbefore provided. Nothing herein contained shall affect the powers of the board of aldermen in relation to votes cast at elections, nor shall the veto power of the mayor extend to elections. He may except from his approval of any ordinance, order, resolution or vote of the city council or either branch thereof or of the school committee, when such ordinance, order, resolution or vote appropriates or requires an appropriation of money, any part involving a distinct item of appropriation. In such case, instead of returning the original he shall transmit a copy of the part not approved, which part shall be reconsidered in the manner and with the effect above provided. But no request for information from any board or city officer shall be subject to veto of the mayor.

Ordinances,
orders, etc.

SECTION 4. Section thirty-six of said chapter three hundred and sixty-four is hereby amended by striking out

1891, 364, § 36,
amended.

the word "January", in the third line, and inserting in place thereof the word:— April,— by striking out the word "December", in the sixth line, and inserting in place thereof the word:— April,— by striking out the word "February", in the ninth line, and inserting in place thereof the word:— May,— and by striking out the word "December", in the last line, and inserting in place thereof the word:— April,— so as to read as follows:— *Section 36.* The heads of departments and all other officers and boards having authority to expend money shall annually before the twentieth day of April, furnish an estimate to the mayor of the money required for their respective departments and offices for one year beginning with the first day of April preceding, and the mayor shall examine such estimates and submit the same with his recommendations thereon to the city council on or before the first day of May. The city council shall thereupon make the appropriation for the financial year beginning with the first day of April preceding.

Heads of departments to furnish estimates, etc.

Election of city officers, etc.

SECTION 5. In the year nineteen hundred and eight and every third year thereafter in the month of May the city council shall elect a city clerk; and in the year nineteen hundred and nine and every third year thereafter in the month of May the city council shall elect a city auditor; and each of these officers shall be elected by concurrent vote, the board of aldermen acting first, and shall hold office for three years from the first day of June of that year and until a successor is chosen in his place, any provision of chapter four hundred and ninety-one of the acts of the year nineteen hundred and seven to the contrary notwithstanding. The city treasurer, assistant city clerk, city messenger and clerk of committees shall be elected during the month of May by the city council, by concurrent vote, the board of aldermen acting first, and each of these officers shall hold office for one year from the first day of June, and until a successor is chosen in his place. The qualifications and duties of these officers respectively shall continue to be as already provided by law.

Certain ordinances annulled, etc.

SECTION 6. All ordinances of the city of Cambridge, or parts thereof, inconsistent with the provisions of this act are annulled, but such parts as are not inconsistent herewith are continued in force until amended or repealed by the city council.

SECTION 7. This act shall be submitted to the qualified voters of the city of Cambridge at the next annual municipal election, and shall take effect upon its acceptance by a majority of the voters present and voting thereon: *provided, however,* that the first annual election under this act shall be holden in March in the year one thousand nine hundred and nine and all city officers elected and qualified under the acts hereby amended shall hold their respective offices until others shall be chosen and qualified hereunder to act in their stead.

To be submitted to the voters for acceptance, etc.

SECTION 8. So much of this act as authorizes its submission to the voters of the said city shall take effect upon its passage; but it shall not take further effect until accepted by the voters of the city as herein provided.

When to take effect.

Approved June 28, 1907.

AN ACT RELATIVE TO THE SCHOOL COMMITTEE OF THE CITY OF CAMBRIDGE.

Chap. 566

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter three hundred and sixty-four of the acts of the year eighteen hundred and ninety-one, as amended by section one of chapter three hundred and fifty-seven of the acts of the year nineteen hundred and two, is hereby further amended by striking out, in lines fourteen to twenty-five, inclusive, the words "The school committee shall consist of fifteen members, to be elected as follows: — The qualified voters of the city shall at the annual city election of the current year, and each third year thereafter, choose one member each from wards three, four, six and eleven, and one from the city at large; in the year nineteen hundred and three, and each third year thereafter, one member each from wards two, five, seven and nine, and one member at large; in the year nineteen hundred and four, and each third year thereafter, one member each from wards one, eight and ten, and two members at large, each person to be so elected for the term of three years", and inserting in place thereof the words: — The school committee shall consist of five members, to be elected as follows: — For the purpose of electing a school committee the city shall be divided into three districts. Wards one, two and three shall constitute the first district; wards four, five, six and seven shall con-

1891, 364, § 4, etc., amended.

School committee, etc.

stitute the second district; wards eight, nine, ten and eleven shall constitute the third district. The qualified voters of each district shall elect from among their number one member of the school committee to serve for three years; and the qualified voters of the whole city shall elect from among their number two members of the school committee, each to serve for three years. At the municipal election next succeeding the adoption of this act one member of the school committee at large and a member from the first district shall be chosen for three years; one member at large and a member from the second district for two years; and a member from the third district for one year; and upon the election and qualification of these members the terms of all the present members of the school committee shall cease and determine. At each succeeding regular election the voters of the city and of the respective districts, shall choose from among their number in place of those members of the school committee whose terms are about to expire an equal number of members to serve for three years.

1891, 364, § 31,
amended.

SECTION 2. Section thirty-one of said chapter three hundred and sixty-four is hereby amended by striking out all after the word "perform", in the fourth line, to and including the word "committee", in the eleventh line, and inserting in place thereof the following: — The school committee shall annually appropriate money for the maintenance of the schools and school buildings and for the salaries of all teachers and other employees, including janitors of school buildings, employed by them: *provided, however,* that the school committee shall not appropriate or expend in any one year a sum amounting to more than five dollars on each one thousand dollars of taxable property of the city, to be estimated by taking the average amount of taxable property during the three preceding years. The school committee shall appoint a superintendent of schools and shall elect the teachers of the public schools as provided by section thirty-two of chapter forty-two of the Revised Laws. It shall approve the location and plans of all school buildings. It shall have entire charge of the buildings used for school purposes and shall have authority to appoint and remove, under the laws regulating the civil service, the janitors and other persons employed therein. It shall have entire

control over the expenditure of moneys devoted to the maintenance of schools, — so as to read as follows:—

Section 31. The school committee and overseers of the poor shall respectively perform all such duties as the school committee and overseers of the poor in towns are required by law to perform. The school committee shall annually appropriate money for the maintenance of the schools and school buildings and for the salaries of all teachers and other employees, including janitors of school buildings, employed by them: *provided, however,* that the school committee shall not appropriate or expend in any one year a sum amounting to more than five dollars on each one thousand dollars of taxable property of the city, to be estimated by taking the average amount of taxable property during the three preceding years. The school committee shall appoint a superintendent of schools and shall elect the teachers of the public schools as provided by section thirty-two of chapter forty-two of the Revised Laws. It shall approve the location and plans of all school buildings. It shall have entire charge of the buildings used for school purposes and shall have authority to appoint and remove, under the laws regulating the civil service, the janitors and other persons employed therein. It shall have entire control over the expenditure of moneys devoted to the maintenance of schools. The overseers of the poor shall annually on the first Monday of May meet and organize, and shall choose such subordinate officers and agents as they may deem expedient, and define their duties and fix their salaries; but no members of the board shall be eligible to be chosen by said board to any position of emolument.

Duties of school committee and overseers of the poor.

Proviso.

SECTION 3. This act shall be submitted to the qualified voters of the city of Cambridge at the next annual municipal election, and shall take effect upon its acceptance by a majority of the voters present and voting thereon.

To be submitted to the voters for acceptance.

SECTION 4. So much of this act as authorizes its submission to the voters of the said city shall take effect upon its passage, but it shall not further take effect until accepted by the voters of the city as herein provided.

When to take effect.

Approved June 28, 1907.

Chap. 567 AN ACT TO AUTHORIZE THE TOWN OF WELLESLEY TO CON-
STRUCT A SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

The town of
Wellesley may
construct a
system of
sewerage.

SECTION 1. The town of Wellesley is hereby authorized to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewage disposal; and, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the town may within its limits, deepen, widen and clear of obstruction any brook, stream or water course, and may straighten or alter the channels or divert the waters thereof, and may lay, make and maintain sub-drains, and, with the approval of the state board of health, discharge the water into any brook, stream or water course within the town.

May deepen,
widen, etc.,
brooks,
streams, etc.

Sewer com-
missioners,
election, etc.

SECTION 2. The town shall elect a board to consist of three commissioners, to be called sewer commissioners, who shall be citizens and residents of the town and shall be elected by ballot at an annual meeting of the town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting at which he is elected, and until his successor is elected and qualified; and at each annual town meeting thereafter the town shall elect one member of the board to serve for three years or until his successor is elected and qualified. If a vacancy occurs in the board the town may at a meeting called for the purpose elect a person duly qualified to fill the vacancy.

May take lands
and water
rights, etc.

SECTION 3. Said board of commissioners, acting in behalf of the town, shall have power to acquire, by purchase or otherwise, any lands in fee and any water rights, rights of way and easements in said town, public or private, necessary for any of the purposes mentioned in this act, and may construct within the town such main drains and sewers under or over any water course, bridge, aqueduct, conduit, railroad, railway or way, or within the location of any railroad or railway, and may enter upon and dig up any private land, street or way, or railroad or railway

location, for the purpose of laying such main drains and sewers, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however*, that said commissioners shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drains or sewers within the location of any railroad corporation, except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the board of railroad commissioners.

Proviso.

SECTION 4. Said board, in order to take any lands in fee, water rights, rights of way or easements otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the county of Norfolk, a statement signed by a majority of the board, containing a description thereof as certain as is required in a conveyance of land, and specifying that the same are taken under authority of this act; and upon such recording the title in the lands, water rights, rights of way or easements described in such statement shall vest in the town of Wellesley, which shall pay all damages therefor and all other damages sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation injured hereunder, upon the damages sustained by such person or corporation; and if the damages are not agreed upon, a jury in the superior court for said county may be had to determine the same, upon petition of either party, in the manner provided by law for determining the damages for land taken for the laying out of highways; but in the case of a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of two years from the time when the cause of action accrues.

Description of lands, etc., taken to be recorded, etc.

SECTION 5. In every case of a petition for the assessment of damages or for a jury, the town may, at any time, file in the office of the clerk of the court an offer in writing to pay the petitioner a sum therein specified as damages; and if the petitioner does not accept the same within thirty days after notice of such offer, and does not

Town may offer a specified sum for damages.

finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of such notice, and the petitioner shall be entitled to costs only to such date.

Wellesley
Sewerage
Loan, Act of
1907.

SECTION 6. The town of Wellesley, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding two hundred thousand dollars, and may issue from time to time therefor bonds or notes; and the debt and loan authorized by this act and the bonds or notes issued therefor shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds or notes shall bear on their face the words, Wellesley Sewerage Loan, Act of 1907, shall be payable within periods not exceeding thirty years from the dates of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities, or any part thereof, at public or private sale, provided they shall not be sold for less than the par value thereof. The proceeds thereof shall be retained in the treasury and the treasurer shall, upon the order of said board of commissioners, pay therefrom the expenses incurred for the purposes aforesaid.

Annual pay-
ments on loan.

SECTION 7. The town shall, at the time of authorizing the said loan, provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by the town is extinguished.

Payment of
operating ex-
penses, etc.

SECTION 8. The receipts from sewer assessments and from payments made in lieu thereof, and the premiums, if any, received from the sale of bonds or notes issued under authority of this act, shall be applied by the board of sewer commissioners to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage, or to the extension thereof, except that the town may apply any part of such receipts to the

payment of the interest upon bonds or notes issued under authority of this act and not otherwise provided for, or to the payment or redemption of such bonds or notes, as the town shall by vote determine, and the said receipts shall be used for no other purpose. If such receipts shall not in any year be sufficient for the purposes aforesaid the town shall raise forthwith by taxation, in the same manner in which money is raised and appropriated for other town purposes, the balance required therefor.

SECTION 9. Said board of commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, and may remove said clerk or superintendent at its pleasure. The compensation of the commissioners shall be fixed by the town.

Clerk and
superintendent.

SECTION 10. All contracts made by said board of commissioners shall be made in the name of the town and shall be signed by the board; but no contract shall be made or obligation incurred by the commissioners for any purpose in excess of the amount of money appropriated by the town therefor.

Contracts.

SECTION 11. Said commissioners may, from time to time, prescribe rules and regulations for the connecting of estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drain or sewers, and may impose penalties not exceeding twenty dollars for each violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of Wellesley, if there be any, and if not, then in some newspaper published in the county of Norfolk, and shall not take effect until such publication has been made.

Commissioners
may make
rules, etc.

SECTION 12. No act shall be done under authority of the preceding sections until the plans for said system of sewerage have been approved by the state board of health. Upon application to said board for such approval the board shall give a hearing, after due notice to the public. At such hearing plans, showing in detail all the work to be done in constructing said system of sewerage, shall be submitted for the approval of the state board of health.

Plans to be
approved by
the state
board of
health.

SECTION 13. Until said board of commissioners shall have been elected as provided in this act, the town may carry on the construction of its system of sewerage by a

Town may
commence
construction.

duly authorized committee of the town, but for a period not longer than until the annual meeting next but one after the commencement of said work of construction. Said committee shall serve without pay and have all the powers and authority given to the board of sewer commissioners in this act or by the general laws relating to boards of sewer commissioners.

When to take effect.

SECTION 14. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder until this act has been accepted by vote of a majority of the voters of said town voting thereon at a legal meeting called for the purpose.

Approved June 28, 1907.

Chap. 568 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR ADDITIONAL INDEBTEDNESS FOR WATER SUPPLY PURPOSES.

Be it enacted, etc., as follows:

City of Brockton Additional Water Loan, Act of 1907.

SECTION 1. The city of Brockton, for the purpose of increasing the pressure of its water supply and providing a high service system, may from time to time issue bonds, notes or scrip therefor, to be denominated on the face thereof, City of Brockton, Additional Water Loan, Act of 1907, to an amount not exceeding one hundred and fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for water supply purposes. The said bonds, notes or scrip shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest payable semi-annually at a rate not exceeding four and one half per cent per annum and shall be signed by the treasurer and countersigned by the mayor of the city. The city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than the par value thereof.

Proviso.

Payment of loan in annual proportionate payments, etc.

SECTION 2. Said city shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act, and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of the

city in each year thereafter in the same manner in which other taxes are assessed, until the debt incurred by the loan is extinguished. The city shall also raise annually by taxation a sum sufficient to pay the interest as it accrues on the bonds, notes and scrip issued by the city under authority hereof, but no part of the income derived from water rates or from the water works system of said city shall be used for making payments upon principal or interest or for work done under the authority of this act, except that one half of the cost of replacing with iron pipe the cement-lined pipe now extending from Pleasant street through a part of North Main street and thence to the pumping station may be paid from the income of the water works system.

SECTION 3. The proceeds of the sale or pledge of said bonds, notes or scrip shall be used by the city for necessary expenditures in connection with the increase of its water pressure and the construction of a high service supply, and the city may take by purchase or otherwise and hold for said purposes any lands, easements or rights of way in the city of Brockton and the town of Avon that may be necessary for the purposes of this act, and for the purposes aforesaid may erect on any lands purchased, taken or held proper dams, reservoirs, basins, buildings, conduits, pipes, fixtures and other structures and may procure and operate machinery and provide such other appliances as may be necessary for the aforesaid purposes.

Proceeds of bonds, etc., to be used for increasing water pressure, etc.

In carrying out the provisions of this act the city of Brockton shall have the authority and be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-eight and acts in amendment thereof and in addition thereto.

1878, 124, etc., to apply.

SECTION 4. This act shall be submitted to the voters of the city of Brockton on the official ballot at the next state election and shall take effect upon its acceptance by a majority of the voters voting thereon.

When to take effect.

Approved June 28, 1907.

Chap.569 AN ACT RELATIVE TO EXPENDITURES BY THE COUNTY COMMISSIONERS OF THE COUNTY OF PLYMOUTH IN ENLARGING AND IMPROVING CERTAIN PUBLIC BUILDINGS.

Be it enacted, etc., as follows:

1907, 376, § 4,
amended.

Expenditure
for enlarging,
etc., certain
public build-
ings in the
county of
Plymouth.

SECTION 1. Section four of chapter three hundred and seventy-six of the acts of the present year is hereby amended by striking out the word "thirty", in the fourth line, and inserting in place thereof the word:—twenty-five,—and by striking out the word "forty-five", in the fifth line, and inserting in place thereof the word:—fifty,—so as to read as follows:—*Section 4.* In order to meet the expenses incurred under this act said commissioners may borrow from time to time upon the credit of said county a sum not exceeding seventy-five thousand dollars, of which sum not more than twenty-five thousand shall be expended for the improvements in Plymouth and not more than fifty thousand dollars shall be expended for the improvements in Brockton. Said indebtedness shall be paid out of the amounts raised by taxation at the rate of five thousand dollars each year, beginning with the year nineteen hundred and eight, until the whole indebtedness is paid.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1907.

Chap.570 AN ACT RELATIVE TO THE HOURS OF LABOR OF LABORERS, WORKMEN AND MECHANICS.

Be it enacted, etc., as follows:

1906, 517, § 1,
etc., amended.

SECTION 1. Section one of chapter five hundred and seventeen of the acts of the year nineteen hundred and six, as amended by section one of chapter two hundred and sixty-nine of the acts of the year nineteen hundred and seven, is hereby further amended by striking out the word "Saturday", in the thirteenth line, and inserting in place thereof the word:—weekly,—and by adding at the end of the section the words:—This section shall not apply to persons employed in any state, county or municipal institution, on the farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining-room service, or in storerooms and offices,—so as to read as follows:—*Section 1.* Eight hours shall constitute a day's

work for all laborers, workmen and mechanics now or hereafter employed by or on behalf of the Commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws. No laborer, workman or mechanic so employed shall be requested or required to work more than eight hours in any one calendar day or more than forty-eight hours in any one week except in cases of extraordinary emergency. Only a case of danger to property, to life, to public safety or to public health shall be considered a case of extraordinary emergency within the meaning of this section. Engineers shall be considered mechanics within the meaning of this act. But in cases where a weekly half-holiday is given the hours of labor upon the other working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work. Threat of loss of employment or threat to obstruct or prevent the obtaining of employment, or threat to refrain from employing in the future shall be considered requiring, within the meaning of this section. This section shall not apply to persons employed in any state, county or municipal institution, on the farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining-room service, or in storerooms and offices.

Eight hours to constitute a day's work for public employees, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1907.

AN ACT RELATIVE TO THE LICENSING OF PEDLERS.

Chap. 571

Be it enacted, etc., as follows:

SECTION 1. Section nineteen of chapter sixty-five of the Revised Laws, as amended by chapter two hundred and four of the acts of the year nineteen hundred and five, is hereby further amended by striking out the whole of said section and inserting in place thereof the following:—*Section 19.* The secretary of the Commonwealth may grant a license to go about exposing for sale and selling any goods, wares or merchandise, except jewelry, wines, spirituous liquors and playing cards, to any person who files in his office a certificate signed by the mayor of a city or by a majority of the selectmen of a town, stating that to the best of his or their knowledge and belief the appli-

R. L. 65, § 19, etc., amended.

Pedlers' licenses.

Pedlers'
licenses.

cant therein named is of good repute for morals and integrity, and is, or has declared his intention to become, a citizen of the United States. The mayor or selectmen, before granting such certificate, shall require the applicant to make oath that he is the person named therein, and that he is, or has declared his intention to become, a citizen of the United States. Such oath shall be certified by a justice of the peace and shall accompany the certificate. The secretary shall cause to be inserted in every such license the names of such cities and towns as the applicant designates, with the amounts to be paid to the respective treasurers thereof as herein provided, and shall receive from the applicant one dollar for each city or town so inserted. The licensee may sell in any city and town mentioned in his license any goods, wares or merchandise, not prohibited in section fourteen, upon payment to the treasurer thereof of the following fees: for each town containing not more than one thousand inhabitants, according to the then latest census, state or national, three dollars; for each town containing more than one thousand and not more than two thousand inhabitants, six dollars; for each town containing more than two thousand and not more than three thousand inhabitants, eight dollars; for each town containing more than three thousand and not more than four thousand inhabitants, ten dollars; and for each city and for all other towns, ten dollars and one dollar for every one thousand inhabitants thereof over four thousand; but the fee shall in no case exceed twenty-five dollars, and the amount paid shall be certified by the city or town treasurer on the face of the license. The secretary may grant as aforesaid special state licenses upon payment by the applicant of fifty dollars for each license; and the licensee may expose for sale in any city or town in the Commonwealth any goods, wares or merchandise, the sale of which is not prohibited.

Repeal.

SECTION 2. Section twenty-one of chapter sixty-five of the Revised Laws, as amended by chapter four hundred and thirty-two of the acts of the year nineteen hundred and three, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved June 28, 1907.

AN ACT RELATIVE TO THE AMOUNT OF MONEY AUTHORIZED TO BE BORROWED BY THE CITY OF LAWRENCE FOR THE CONSTRUCTION OF A BRIDGE OVER THE MERRIMAC RIVER. *Chap. 572*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of constructing a bridge over the Merrimac river in the city of Lawrence, in accordance with the provisions of chapter four hundred and eighty-six of the acts of the year nineteen hundred and seven, the said city is hereby authorized to borrow the sum of five hundred thousand dollars, in accordance with the provisions of section four of the said chapter, instead of three hundred thousand dollars, as stated in the said section.

Increasing the amount of money which the city of Lawrence may borrow for the construction of a certain bridge.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1907.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF AN EAST AND WEST TUNNEL AND SUBWAY IN THE CITY OF BOSTON. *Chap. 573*

Be it enacted, etc., as follows:

SECTION 1. The Boston transit commission, hereinafter called the commission, may construct in the city of Boston, hereinafter called the city, a tunnel and subway, to be designated as the Riverbank Subway, and hereinafter called the subway, so designed as to be adapted to contain two railway tracks, from a point or points in or under the existing Park street subway station, or any enlargement thereof, under Boston Common, and any other intervening public or private ways or lands, substantially parallel with and adjoining or as a part of the tunnel authorized by chapter five hundred and twenty of the acts of the year nineteen hundred and six, to a point or points more than one hundred feet distant from the Common; thence in and under any intervening public or private ways or lands to a point or points in the Charles River embankment and park provided for by chapter four hundred and sixty-five of the acts of the year nineteen hundred and three, as amended by chapter four hundred and two of the acts of the year nineteen hundred and six; thence westerly in and under said embankment and park to a point or points in said embankment or park west of Harvard bridge; thence in, under, over and across public ways and lands

The Boston transit commission authorized to construct the Riverbank Subway.

to a point or points in Beacon street at or near the Back Bay Fens, or to such point or points in Commonwealth avenue or Beacon street east of the junction of Commonwealth avenue, Beacon street, Brookline avenue and Deerfield street as the commission may determine after due notice to all the parties interested and a public hearing thereon; including suitable approaches, entrances, sidings, stations, elevators, inclines, cuts, loops, connections and other structures, including connections either at grade or otherwise with the existing Tremont street subway, and suitable terminals under the Common and Tremont street, and suitable connections with existing or other tracks.

Regulating
construction
under Boston
Common, etc.

Any tunnel or subway construction under or within one hundred feet of Boston Common shall be made, so far as practicable, water tight, and the work shall so be done as to avoid the draining of moisture from the surrounding soil, or other injury to the trees, and the commission may construct a suitable system of subsoil irrigation above and near the line of said subway within the Common, or may take any other measures which it may deem necessary or expedient for the preservation of the trees, to be paid for as a part of the cost of the subway. The commission shall design and construct any structures erected above the surface of the embankment and park aforesaid in such manner that they shall constitute the least practicable obstruction to the view.

Preliminary
investigation,
surveys and
plans to be
made.

SECTION 2. The commission shall immediately after the passage of this act make such preliminary investigations, surveys and plans as it deems expedient, and to that end may enter upon any lands or place and maintain marks therein, and may make excavations, borings and do all other acts necessary for such investigations and surveys, and may expend such sums as it deems necessary therefor. The expenses incurred in making such preliminary investigations, surveys and plans shall be deemed a part of the cost of the work.

Changes to be
made in the
plans of the
Charles River
embankment,
etc.

The Charles river basin commission shall make such changes in its plans for constructing the embankment and park aforesaid, and the conduit, drains or other structures therein or appurtenant thereto, and in the construction thereof, as the transit commission may determine to be required in connection with the proper location and construction of the subway herein provided for, and shall

postpone or omit any part of the work provided for by said chapter four hundred and sixty-five, as amended by said chapter four hundred and two, which it may be necessary or expedient to postpone or which may be rendered unnecessary by or in view of the work herein provided for; but no changes, postponements or omissions shall be made in respect to the shut-off dam or any part thereof, or in respect to the main marginal conduit as distinguished from the inflows, overflows and other connections therewith.

SECTION 3. The commission shall not begin the work of construction until it has filed in the office of the city engineer a plan signed by the commission showing the proposed route or the location thereof, and the general form and method of construction, the location of proposed tracks, stations and approaches, and the alignment and grade, which plan shall be submitted to the Boston Elevated Railway Company, hereinafter called the company, which term shall be deemed to include its successors and assigns, for its approval. Any such plan so filed may be altered at any time by a new plan signed and filed in like manner.

Construction not to be begun until plan has been filed in the office of the city engineer of Boston, etc.

SECTION 4. The commission may make contracts in the name of the city for the work herein authorized, but all contracts involving two thousand dollars or more in amount shall be in writing and signed by a majority of the commission; and no such contract shall be altered except by an instrument in writing signed by the contractor and a majority of the commission, and also by the sureties, if any, on the bond given by the contractor for the completion of the original contract. No such contract or alteration of any such contract shall be valid or binding on the city unless executed in the manner aforesaid.

Contracts, etc.

SECTION 5. All work done under this act under or near public streets and places shall be conducted, so far as may be practicable, in such manner as to leave such streets and places, or a reasonable part thereof, open for traffic between the hours of eight in the forenoon and six in the afternoon of each secular day, except public holidays.

Streets to be kept open for traffic, etc.

SECTION 6. The commission may, for the purposes of this act, use public ways and lands, including the embankment and park aforesaid, without compensation therefor: *provided, however*, that any private owner of flats or land

Public ways and land may be used.

Proviso.

covered by tide water, taken under authority of chapter four hundred and sixty-five of the acts of the year nineteen hundred and three or chapter four hundred and two of the acts of the year nineteen hundred and six for that part of the embankment and park traversed by the subway, if entitled in law to additional compensation therefor in view of the use thereof authorized by this act, may recover the same from the city, in the manner provided by section eight of this act; and the commission may acquire for the city, by purchase or otherwise, or may take lands in fee and easements, estates, and rights in land, including the right to go under the surface thereof or through or under buildings or parts of buildings thereon, and such takings in fee or otherwise may be made whether the lands taken or otherwise affected are held under or by title derived under eminent domain or otherwise. A taking or purchase under this section of an easement or other estate or right in a given parcel of real estate, whether such parcel consists of unimproved land or of land and buildings, may be confined to a portion or section of such parcel fixed by planes of division or otherwise, below or above or at the surface of the soil, and in such case no taking need be made of upper or lower portions or other parts or sections thereof, except of such easements therein, if any, as the commission may deem necessary. The commission, to make any taking by right of eminent domain, shall cause to be recorded in the registry of deeds for the county of Suffolk a description of the lands, easements, estates or rights to be taken, as certain as is required in a common conveyance of land, with the statement that the same are taken under authority of this act, which description and statement shall be signed by the commission; and the lands, easements, estate or rights therein described shall upon such recording be taken for and shall vest in the city. The commission shall, so far as may be practicable, notify all known owners of such takings, but the validity thereof shall not be affected by want of such notice.

Description of
lands, etc.,
taken to be
recorded.

Buildings, etc.,
upon lands
taken may be
sold or re-
moved, etc.

SECTION 7. The commission may sell the buildings and other structures upon any lands taken by it, or may remove the same, and shall sell, if a sale be practicable, or if not shall lease, any lands, or rights or interests in land or other property so taken, or purchased for the purposes

of this act, whenever the same shall in the opinion of the commission cease to be needed for such purposes. The proceeds of such sales and leases and the fair valuation of any such lands or other property no longer needed for such purposes but not actually sold, shall be deducted from the cost of the subway for the purposes of ascertaining the rental thereof.

Damages.

SECTION 8. The commission shall determine and award the damages sustained by any person by reason of property taken or injured by the commission under authority of this act, except public ways or lands, and except the embankment and park aforesaid, and may agree with any person as to the amount to be paid as damages sustained by him for any property so taken or injured, which damages the city shall be liable to pay. If such person is dissatisfied with such award, or cannot agree with the commission upon his damages, the same may be determined by a jury in the superior court for the county of Suffolk, on petition therefor of such person or of the commission, in which case such person shall be joined as a petitioner against the city, filed in the clerk's office within one year after such property is so taken or injured; and judgment shall be entered upon the determination of the jury, and costs shall be taxed and execution issued in favor of the prevailing party as in other civil cases. The members of the commission shall not be liable personally for any such damage. In a determination made under the provisions of section twelve of chapter four hundred and sixty-five of the acts of the year nineteen hundred and three, as amended by section four of chapter four hundred and two of the acts of the year nineteen hundred and six, of the value of the benefit or advantage from the establishment of the embankment and park therein mentioned to any parcel of real estate bordering upon or near said embankment and park, the fact that said embankment and park may be used for the purposes provided by this act shall be taken into consideration. If an open cut for a railway incline is constructed in any part of the embankment or park, and if the damage to any parcel of real estate bordering thereon occasioned by the use of the embankment or park for such open cut and incline and any surface connection therewith exceeds the value of the benefit or advantage which will result to such parcel

from the establishment of the embankment and park, as provided by said chapter four hundred and sixty-five, as amended by said chapter four hundred and two, the amount of such excess shall be determined and may be recovered in the manner hereinbefore provided by this section. In such case no betterment shall be assessed or collected against such parcel under the provisions of section twelve of said chapter four hundred and sixty-five, as amended by section four of said chapter four hundred and two.

Surface tracks, conduits, etc., may be temporarily removed, etc.

SECTION 9. The commission may order the temporary removal or relocation of any surface tracks, and the temporary or permanent removal or relocation of any conduits, pipes, wires, poles or other property of any person or corporation which it deems to interfere with the construction or operation of the subway, and shall grant new locations for any such structures so removed or relocated. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, conduits, pipes, wires, poles or other property, and the owner of any such structures in public ways or lands shall comply with such orders without expense to the city. If such owner shall fail to comply with the order of the commission within a reasonable time, to be fixed in the order, the commission may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the city by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof. Any such structures in or upon private lands may be removed and relocated by the commission, or if removed and relocated by the owner thereof, the reasonable expense shall be repaid to him by the commission. Any gas or electric lighting company may shut off the gas or current from any pipes or wires affected by any acts done hereunder, when and so far as may be necessary to avoid danger of escape or explosion of gas or other public danger.

The Boston Elevated Railway Company to contract for the sole and exclusive use of the subway

SECTION 10. Before beginning the work of construction the commission shall execute with the company, in the name of the city, the company consenting thereto, a contract in writing for the sole and exclusive use of the

subway by the company, for the running of its cars therein and for other purposes, for a term of twenty-five years from the beginning of the use thereof, at an annual rental equal to four and one half per cent of the net cost thereof, and upon such other provisions and conditions, not affecting the term or rental, and following the form of the tunnel lease made by and between the commission and the company December twenty-fourth, nineteen hundred and four, so far as the same may be applicable, as the commission and the company may agree upon, or in case of difference as the board of railroad commissioners, herein-after called the board, may determine. The provisions of this act, in so far as they declare, define or establish the terms and conditions for the construction, tenure, maintenance and operation of the subway, shall be embodied in and made part of said contract. The use of the subway shall begin when, in the opinion of the commission, a reasonable time after completion has been allowed for equipment. The net cost thereof shall be deemed to include, except as herein otherwise provided, all expenditures incurred in acquisition and construction including damages, expenses and salaries of the commission, and interest at three and one fourth per cent per annum on the debt incurred in construction prior to the beginning of the use.

for twenty-five years, etc.

The company may for the purposes of this act, including all equipment or other expenditure by the company required or authorized hereby, from time to time in the manner and subject to the requirements prescribed by law, issue and dispose of such amounts of its capital stock or bonds, at its option, in addition to the amounts heretofore authorized, as may be necessary therefor.

Issue of capital stock, etc.

In respect to the equipment, use and operation of the railway to be located in the subway, and transportation thereon, the company shall have all the powers and privileges and be subject to all the duties, liabilities, restrictions and provisions set forth in general and special laws now or hereafter in force applicable to it, so far as the same do not impair contract rights or privileges acquired under any law or otherwise.

Powers, duties, etc., of the company.

The use and control of the subway if acquired by the company shall be subject to the rights, if any, which the West End Street Railway Company may have under the

Use of the subway subject to certain rights, etc.

provisions of article two of its lease to the company, dated December nine, eighteen hundred and ninety-seven, or otherwise.

Rental of the
subway.

SECTION 11. The transit commission and the Charles river basin commission shall jointly determine, or in case of difference the board shall determine, the amount if any by which the cost of the embankment and park mentioned in section one of this act, and of the conduit, drains or other structures therein or appurtenant thereto, is or may be reduced by reason or in consequence of the work provided for by this act, below the amount which they otherwise would have cost; and the amount of such reduction shall be deducted from the cost of the subway for the purpose of ascertaining the rental thereof. So much of such reduction as may be connected with the cost of construction of the marginal conduit to be constructed by the Charles river basin commission shall be added to the cost of the construction of the metropolitan park system to be assessed under the provisions of section nine of chapter four hundred and sixty-five of the acts of the year nineteen hundred and three, as amended by section two of chapter four hundred and two of the acts of the year nineteen hundred and six, and in determining the amount to be assessed upon and paid by the city under the provisions of said chapter four hundred and sixty-five as so amended, such estimated amount of the reduction connected with the construction of said conduit shall be credited as having been paid by the city. So much of such reduction of cost of the embankment and park as may not be connected with the cost of construction of said marginal conduit shall be borrowed by the city in connection with and in the same manner as the amount which it is to borrow for repaying to the Commonwealth the cost of said embankment and park as provided by section nine of said chapter four hundred and sixty-five, as so amended, and the amount thereof shall be paid into the sinking fund set aside to meet the bonds issued by the city to pay the cost of construction of the subway herein authorized.

Determina-
tions of ques-
tions, etc.

SECTION 12. Upon the determination by the transit commission or the Charles river basin commission, either alone or jointly, of any important question arising in the course of the work herein provided for upon which the company has previously requested a hearing, except an

award of or agreement upon damages as provided in section eight hereof, the company may within three days after notice of such determination apply to the board for a revision of the same, and thereupon the board may consider and finally determine such question.

SECTION 13. The treasurer of the city shall from time to time, on request of the commission, issue and sell at public or private sale the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding the cost of the subway herein provided for. Such bonds shall be designated on their face, Boston Riverbank Subway Loan, shall be for such terms, not exceeding fifty years, as the mayor and treasurer of the city may determine, and shall bear interest payable semi-annually at such rate not exceeding four per cent per annum, as the treasurer shall determine. The debts incurred by the city from time to time under the provisions of this act shall not be included in determining the limit of indebtedness of the city as established by law, and the proceeds of such bonds shall be used to meet all damages, costs and expenses incurred by the commission or by the city in carrying out the provisions of this act. The board of commissioners of sinking funds shall establish a sinking fund for the payment of the bonds issued under this act. All premiums received from the sale thereof shall be paid into the sinking fund. All rents, tolls, percentages or other annual compensation received by the city for any use of the subway under this act, or for any use of any lands or rights taken under authority of this act, shall annually be used by the treasurer, first, to meet the requirements of any deficiency in the sinking fund; second, to meet the interest on the bonds; and the surplus, if any, as a part of the general revenue of the city. The proceeds from any sale or lease of lands or rights taken by purchase or otherwise under authority of this act shall be paid into the sinking fund, or shall be used for construction, as the commission may determine.

SECTION 14. If the term of the commission expires before the completion of the work herein provided for, the city shall have all the rights, powers and privileges, and be subject to all the duties, restrictions and liabilities, hereby conferred or imposed upon the commission in respect thereto, and such powers and duties shall be exer-

Boston River-
bank Subway
Loan.

If the term of
the transit
commission ex-
pires before the
completion of
the work their
powers and
duties shall
vest in the city
of Boston, etc.

cised and performed by the mayor, city engineer and city treasurer in place of the commission.

Jurisdiction to enforce, etc., provisions of the act.

SECTION 15. The supreme judicial court and the superior court, upon application of any party in interest, including the company, the city, or any ten taxable inhabitants thereof, may enforce or prevent violation of the provisions of this act by any appropriate process.

Time within which construction shall begin.

SECTION 16. The construction of the subway herein authorized shall be begun at such time after the expiration of one year from the completion of the tunnel authorized by said chapter five hundred and thirty-four as the commission and the company may agree upon, or in case of difference as the board shall determine that the public interests require; but the same may be begun at any time which the commission and the company may agree upon.

Authority granted by 1902, 534, to cease upon the acceptance of this act by the company, etc.

SECTION 17. Upon the acceptance of this act by the company the authority granted by chapter five hundred and thirty-four of the acts of the year nineteen hundred and two for the construction of the subway in said chapter five hundred and thirty-four provided for shall cease, but the contract entered into under date of September twenty-fifth in the year nineteen hundred and two between the city of Boston, acting by the commission, and the company shall remain in full force so far as regards the system of tunnels and appurtenances authorized by said chapter five hundred and thirty-four.

When to take effect.

SECTION 18. This act shall take effect upon its acceptance by the company, by vote of its board of directors and return thereof, within two months after its passage.

Approved June 28, 1907.

Chap. 574 AN ACT TO PROVIDE FOR THE LAYING OUT AND CONSTRUCTION AS A STATE HIGHWAY OF WASHINGTON STREET IN THE WEST ROXBURY DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

A part of Washington street in the West Roxbury district of Boston to be laid out as a state highway.

SECTION 1. The Massachusetts highway commission shall lay out, take charge of and construct as a state highway within two years from the passage of this act Washington street from Lagrange street, so-called, in that part of Boston known as West Roxbury, to the boundary line between the city of Boston and the town of Dedham, at a width of not less than one hundred feet, and said highway

commission is hereby authorized to take so much of the park land bordering on Washington street as is necessary for the laying out of said street to said width. Said lay out shall conform substantially to a plan marked "Plan and profile of Washington street, City of Boston, between Lagrange street and the Boston-Dedham line. January 1907.", said plan being one drawn by A. M. Lovis, first assistant engineer, and signed by W. E. McClintock, Harold Parker and John H. Manning, constituting the Massachusetts highway commission, and on file in the office of said commission.

SECTION 2. The grade of said state highway shall conform substantially to the line marked "proposed grade of macadam" on the plan described in section one. There shall be two roadways, suitably macadamized, each twenty-five feet in width, with a reserved space for street railway tracks between them, together with suitable gravelled sidewalks and such other structures and details as said commission shall deem necessary; and the space reserved for street railway tracks shall be suitably graded, ballasted with gravel and covered with loam after said tracks are relaid: *provided, however*, that the city of Boston, at its expense, shall construct such storm water sewers and outlets for surface water from said state highway as may at any time be necessary.

Grade, etc., of
the highway.

SECTION 3. All damages sustained by any person or corporation by the taking of land or any right therein or by the construction of said state highway under this act shall be assessed by a jury of the superior court in the manner provided by law with respect to damages sustained by the laying out of state highways. All proceedings for the assessment of damages as aforesaid shall be brought against the city of Boston and all damages assessed together with interest and costs shall be paid by said city.

Proviso.

SECTION 4. The said highway commission is hereby authorized to expend a sum not exceeding one hundred and sixty-five thousand dollars in the construction of said state highway in accordance with the provisions of the existing laws relative to the construction of state highways: *provided, however*, that in determining the amount which the county of Suffolk shall pay to the Commonwealth under the provisions of section twelve of chapter forty-seven of the Revised Laws said commission shall

Damages.

Expenditure.

consider the money expended for said highway to be the total amount expended by the commission under this act less the sum to be repaid to the Commonwealth by the city of Boston under the provisions of section six of this act.

The treasurer and receiver to issue bonds, etc.

SECTION 5. For the purpose of meeting the expenditures authorized by this act to be made by the Massachusetts highway commission, the treasurer and receiver general of the Commonwealth shall issue scrip or certificates of indebtedness to an amount not exceeding one hundred and sixty-five thousand dollars for a term not exceeding thirty years as an addition to all sums heretofore appropriated for the construction, repair and maintenance of state highways; such scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached and shall bear interest at a rate not exceeding four per cent per annum. They shall be designated on the face thereof, State Highway Loan, and shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be sold or disposed of as provided by chapter two hundred and sixty-three of the acts of the year nineteen hundred and four, but none of said bonds shall be sold at less than the par value thereof. The sinking fund established by chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four shall also be maintained for the purpose of providing for the payment of the bonds issued under the authority of this act, and the treasurer and receiver general of the Commonwealth shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Sinking fund.

One half of expense to be repaid by the city of Boston.

SECTION 6. One half of any money which may be expended by said Massachusetts highway commission in the construction of said state highway under the provisions of this act, with interest thereon at the rate of three per cent per annum, shall be repaid by said city to the Commonwealth in such instalments and at such times within

ten years thereafter as said commission with the approval of the auditor of accounts of the Commonwealth, having regard to the financial conditions of the said city, shall determine. The mayor and aldermen of said city may assess part of the amount to be paid by said city to the Commonwealth under this section as provided for by section sixty-eight of Part III. of chapter four hundred and sixty three of the acts of the year nineteen hundred and six.

SECTION 7. This act shall take effect upon its acceptance by the city council of the city of Boston.

When to take effect.

Approved June 28, 1907.

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO SELL CERTAIN PROPERTY FOR THE WIDENING OF A RAILROAD IN THE TOWN OF NATICK.

Chap. 575

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board may, in its discretion sell, by public or private sale, any property of the Commonwealth held and used for water supply purposes, situated in the town of Natick on both sides of and abutting on the Boston and Albany railroad, whether taken by the Commonwealth by eminent domain or otherwise, if such property is deemed necessary for the alteration, relocation or widening of said railroad and is not deemed necessary by said board for other public purposes.

Certain property of the Commonwealth in Natick held for water supply purposes may be sold.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1907.

AN ACT TO RECODIFY, REVISE AND AMEND THE LAWS RELATIVE TO INSURANCE, OTHER THAN FRATERNAL AND ASSESSMENT.

Chap. 576

Be it enacted, etc., as follows:

DEFINITIONS AND COMPANIES.

SECTION 1. In this act, unless the context otherwise requires: —

Certain terms defined.

“Company” or “insurance company” includes all corporations, associations, partnerships or individuals engaged as principals in the business of insurance.

“Domestic” designates those companies incorporated or formed in this commonwealth, and “foreign”, when

used without limitation, includes all those formed by authority of any other state or government.

“Unearned premiums” and “net value of policies” severally intend the liability of an insurance company upon its insurance contracts, other than accrued claims, computed by rules of valuation established by section eleven.

“Net assets” means the funds of an insurance company available for the payment of its obligations in this commonwealth, including, in the case of a mutual fire company, its deposit notes or other contingent funds, and, in the case of a mutual marine or mutual fire and marine company, its subscription fund and premium notes absolutely due, and also including uncollected and deferred premiums not more than three months due, on policies actually in force, after deducting from such funds all unpaid losses and claims, and claims for losses, and all other debts and liabilities inclusive of policy liability and exclusive of capital.

“Profits” of a mutual insurance company means that portion of its cash funds not required for payment of losses and expenses nor set apart for any purpose allowed by law.

All insurance companies subject to this act, except, etc.

SECTION 2. All insurance companies now or hereafter incorporated or formed by authority of any general or special law of this commonwealth, except as provided in the laws relating to “fraternal beneficiary corporations” and “assessment insurance”, shall be subject to the provisions of this act.

Definition of insurance.

SECTION 3. A contract of insurance is an agreement by which one party for a consideration promises to pay money or its equivalent or to do an act valuable to the assured upon the destruction, loss or injury of something in which the other party has an interest, and it shall be unlawful for a company to make a contract of insurance upon or relative to any property or interests or lives in this commonwealth, or with any resident thereof, or for any person as insurance agent or insurance broker to make, negotiate, solicit or in any manner aid in the transaction of such insurance, except as authorized by the provisions of this act or the laws relating to “fraternal beneficiary corporations” and “assessment insurance.” All contracts of insurance on property, lives or interests in this commonwealth shall be deemed to be made therein.

INSURANCE COMMISSIONER.

SECTION 4. There shall be an insurance commissioner for the commonwealth, appointed by the governor, with the advice and consent of the council, who shall hold his office for the term of three years from the date of his commission and until his successor is appointed and qualified. He may be removed by the governor. He shall give bond with sureties in the sum of ten thousand dollars, to be approved by the treasurer and receiver general, for the faithful performance of his duties, and shall receive in full compensation for his services an annual salary of five thousand dollars.

Insurance
commissioner,
appointment,
etc.

SECTION 5. The commissioner may, with the approval of the governor and council, appoint, and with their consent remove, a deputy commissioner to assist him in his duties, who shall receive an annual salary of thirty-five hundred dollars, and an examiner, who shall receive an annual salary of three thousand dollars. In case of a vacancy in the office of commissioner or during the absence or disability of that officer, the deputy commissioner shall perform the duties of the office, and in case of the absence or disability of both the commissioner and the deputy commissioner the examiner shall perform the duties of the office. The commissioner may employ in his department an actuary with an annual salary of two thousand dollars, a chief clerk with an annual salary of two thousand dollars, a second clerk with an annual salary of fifteen hundred dollars, a third clerk with an annual salary of twelve hundred dollars, and such additional clerks and assistants as the public business in his charge may require, at an expense not to exceed such amount as the general court may appropriate each year. He shall transmit forthwith to each register of probate and insolvency the names of all corporate surety companies which become qualified or cease to be qualified to do business in this commonwealth.

Deputy com-
missioner,
etc.

Actuary and
clerical serv-
ice.

SECTION 6. Before granting certificates of authority to an insurance company to issue policies or make contracts of insurance the commissioner shall be satisfied, by such examination as he may make and such evidence as he may require, that such company is otherwise duly qualified under the laws of this commonwealth to transact business herein. He shall require every domestic insur-

Companies to
be examined,
etc.

ance company to keep its books, records, accounts and vouchers in such manner that he or his authorized representatives may readily verify its annual statements and ascertain whether the company has complied with the provisions of law.

Examination
of domestic
companies.

At least once in each three years and whenever he determines it to be prudent he shall personally, or by his deputy, examiner, or chief clerk, visit each domestic insurance company, and thoroughly inspect and examine its affairs to ascertain its financial condition, its ability to fulfil its obligations, whether it has complied with the provisions of law, and any other facts relating to its business methods and management, and the equity of its dealings with its policy holders. He shall also make such examination upon the request of five or more of the stockholders, creditors, policy holders or persons pecuniarily interested therein who shall make affidavit of their belief, with specifications of their reasons therefor, that such company is in an unsound condition. Whenever he deems it advisable he shall cause a complete audit of the books of the company to be made by a disinterested expert accountant.

Examination
of foreign
companies.

When he determines it to be prudent for the protection of policy holders in this commonwealth, he shall in like manner visit and examine or cause to be visited and examined by some competent person or persons whom he may appoint for that purpose any foreign insurance company applying for admission or already admitted to do business by agencies in this commonwealth, and such company shall pay the proper charges incurred in such examination, including the expenses of the commissioner or his deputy and the expenses and compensation of his assistants employed therein.

Expenses.

Examination
of books and
papers, etc.

For the purposes aforesaid the commissioner or his deputy or the person making the examination shall have free access to all the books and papers of an insurance company which relate to its business, and to the books and papers kept by any of its agents, and may summon and administer the oath to and examine as witnesses the directors, officers, agents and trustees of any such company, and any other persons, relative to its affairs, transactions and condition.

May revoke
or suspend
authority of

SECTION 7. If the commissioner is of opinion upon examination or other evidence that a foreign insurance

company is in an unsound condition, that it has failed to comply with the law or with the provisions of its charter, or that its condition is such as to render its proceedings hazardous to the public or to its policy holders, or that its actual funds exclusive of its capital, if it is a life insurance company, are less than its liabilities, or if its officers or agents refuse to submit to examination or to perform any legal obligation relative thereto, he shall revoke or suspend all certificates of authority granted to said foreign insurance company, its officers or agents, and shall cause notices thereof to be published in the newspaper in which the general laws are published, and no new business shall thereafter be done by it or its agents in this commonwealth while such default or disability continues, nor until its authority to do business is restored by the commissioner. Unless the ground for revocation or suspension relates only to the financial condition or soundness of the company, or to a deficiency in its assets, he shall, except as provided in section twenty, notify the company not less than ten days before revoking its authority to do business in this commonwealth; and he shall specify in the notice the particulars of the alleged violation of law or of its charter, or grounds for revocation. The supreme judicial court upon petition of said company, brought within ten days, shall summarily hear and determine the question whether such violation has been committed, or whether it is insolvent or in an unsound condition or has exceeded its powers or has failed to comply with any provisions of the law or of its charter, or that its condition is such as to render its further proceedings hazardous to the public or to its policy holders, and shall make any appropriate order or decree therein. If the order or decree is adverse to the petitioning company, an appeal therefrom may be taken to the full court; and in case of such appeal the commissioner may revoke the right of said petitioning company to do business in this commonwealth until the final determination of the question by the full court aforesaid.

certain foreign companies, etc.

SECTION 8. If it appears to the insurance commissioner that the capital of a domestic insurance company is impaired to the extent of one quarter or more, on the basis fixed in section eleven, and that the company can, with safety to the public and its policy holders, be allowed to continue in business, he shall notify the company that

Capital to be made good when impaired, etc.

its capital is legally subject to be made good in the mode provided by section thirty-eight, and if such company shall not within three months after such notice satisfy him that it has fully made good its capital or reduced it as provided in section forty; or if he is of opinion that any domestic insurance company has exceeded its powers or has failed to comply with any provision of law, or that its condition or management is such as to render its further transaction of business hazardous to the public or to its policy holders or to its creditors, or that it has attempted or is attempting to compromise with its creditors on the ground that it is financially unable to pay its claims in full, or if when its cash assets are less than its liabilities, inclusive of unearned premiums, but exclusive of capital if any, it attempts, to the disadvantage of policy holders who have sustained losses, to prefer or has preferred by reinsurance policy holders who have sustained no loss, or if it is insolvent, he shall apply to the supreme judicial court, which shall have jurisdiction in equity of such application, for an injunction restraining it, in whole or in part, from further proceeding with its business. The court may issue an injunction forthwith and may, after a full hearing, make the injunction perpetual, and may appoint agents or receivers to take possession of the property and effects of the company and to settle its affairs, subject to such rules and orders as the court may from time to time prescribe.

Application
for injunction,
etc.

Domestic com-
panies to cease
business when
funds are de-
ficient, etc.

SECTION 9. If the actual funds of a domestic life insurance company, exclusive of its capital, are not of a net cash value equal to its liabilities, including the net value of its policies computed by the rule of valuation established by section eleven, he shall notify such company and its agents to issue no new policies until its funds become equal to its liabilities.

Commissioner
to report
violations of
law.

SECTION 10. If upon examination or other evidence exhibited to him he is of opinion that any insurance company, or an officer or agent thereof, has violated any provision of this act, he shall report the facts to the attorney general, who shall cause such company, officer or agent to be prosecuted therefor.

Valuation of
policies of life
companies
annually.

SECTION 11. He shall each year compute the reserve liability on the thirty-first day of December of the preceding year of every company authorized to make insurance on lives in this commonwealth, in accordance with the rules following:—

First, The net value on the last day of December of the preceding year of all outstanding policies of life insurance in the company issued before the first day of January in the year nineteen hundred and one shall be computed upon the basis of the "Combined Experience" or "Actuaries' Table" of mortality, with interest at four per cent per annum.

Valuation of policies of life companies annually.

Second, The net value on the last day of December of the preceding year of all outstanding policies of life insurance issued after the thirty-first day of December in the year nineteen hundred shall be computed upon the basis of the "American Experience Table" of mortality, with interest at three and one half per cent per annum; but any such life insurance company may at any time elect to reserve upon a three per cent basis, and thereupon its policies issued upon such reserve shall be computed upon the basis of the "American Experience Table" of mortality, with interest at three per cent per annum.

Third, In every case in which the actual premium charged for an insurance is less than the net premium for such insurance, computed according to its respective tables of mortality and rate of interest aforesaid, the company shall also be charged with the value of an annuity, the amount of which shall equal the difference between the premium charged and that required by the rules above stated, and the term of which in years shall equal the number of future annual payments due on the insurance at the date of the valuation.

Fourth, When, from reports filed in his department or from other evidence, the insurance commissioner is satisfied that an insurance company is assuming risks that cannot be properly measured by the mortality tables specified in this section, he may compute such extra reserve as in his judgment is warranted by the extra hazard assumed.

Fifth, The aggregate net value so ascertained of all the policies of any such company shall be deemed its reserve liability, to provide for which it shall hold funds in secure investments of an amount equal to such net value above all its other liabilities.

All policies or certificates of insurance issued before the first day of July in the year eighteen hundred and ninety-nine by corporations which formerly transacted a life insurance business under the provisions of chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety and acts in amendment thereof, and

Assessment contracts, etc.

Assessment
contracts, etc.

which now have authority to do business in this commonwealth under the provisions of this act, which policies or certificates are in force on the thirty-first day of December of any year and which contain a provision for a payment other than the premium stipulated therein and under which the duration of the premium payment is the same as the duration of the contract, except in endowment certificates and endowment policies, shall be valued and shall have a reserve maintained thereon on the basis of renewable term insurance as fixed by attained age in accordance with the provisions of this act. To the reserve liability determined as above the insurance commissioner shall add the determinate contract reserve under any other policies or certificates issued by said companies, before said first day of July and remaining in force on the thirty-first day of December of any year, and in the absence of such contract reserve shall value them as contracts providing similar benefits are to be valued under the provisions of this act. But under no policy or certificate shall a greater aggregate reserve liability be charged than is otherwise required by this act. All policies of life insurance issued by any such corporation subsequent to the first day of July in the year eighteen hundred and ninety-nine, including those which contain a provision for a payment other than the premiums specified therein, shall be valued and a reserve maintained thereon according to the provisions of this act; but all such policies issued by said former assessment corporations prior to the first day of January in the year nineteen hundred and six, shall be valued taking the first year as one-year-term insurance.

Computation
of reserves for
reinsurance,
etc.

To determine the liability upon its contracts of insurance of an insurance company, other than life and real estate title insurance, and the amount such company shall hold as a reserve for reinsurance, he may take fifty per cent of the premiums written in its policies, or the actual unearned portions of said premiums; but in respect to marine risks he shall compute the liability thereon by charging fifty per cent of the amount of premiums written in its policies upon yearly risks, and upon risks covering more than one passage not terminated, and the full amount of premiums written in policies upon all other marine risks not terminated; but in the case of foreign fire and marine insurance companies with less than three

hundred thousand dollars capital, admitted to transact fire insurance only in this commonwealth, the full amount of premiums written in their marine and inland navigation and transportation insurance policies shall be charged as liability.

Every insurance company which has for ten years or more undertaken to insure persons, firms or corporations against loss or damage on account of the bodily injury or death by accident of any person for which loss or damage said persons, firms or corporations are respectively responsible shall, on or before the first day of October in each year, render to the insurance commissioner a statement in writing of its business transacted in the United States, which shall show separately for each of the five calendar years constituting the first half of the period of ten years next preceding the thirty-first day of December of the year in which the statement is made : —

Insurance companies to annually render a statement of business, etc.

(1) The number of persons reported injured under all its forms of liability policies, whether such injuries were reported to the home office of the company or to any of its representatives, and whether such injuries resulted in loss to the company or not ;

(2) The amount that, on or before the thirty-first day of August of the year in which the statement is made, had been paid on account or in consequence of all injuries so reported, including therein all payments on suits arising from such injuries ;

(3) The number of suits or actions under such policies on account of injuries reported which have been settled either by payment or compromise ;

(4) The amount paid in settlement of such suits or actions on or before the thirty-first day of August of the year when the statement is made, including therein all payments made on account or in consequence of injuries from which the suits arose, whether prior to or later than the date when the suits were brought.

Every such company shall in its financial statements hereafter made in this commonwealth use the experience so ascertained for computing its outstanding losses under all its forms of liability policies, irrespective of the date when the policies were issued.

The average cost per suit of settling such cases, as computed by the data required in this section, shall be multiplied by the number of suits or actions pending on

Method of computing outstanding losses, from experience, etc.

account of injuries reported prior to eighteen months previous to the date on which the condition of the company is to be ascertained and shown, which suits or actions are being defended for or on account of a holder of any such policy ; also the average cost on account of each injured person, determined as aforesaid from the company's experience, shall be multiplied by the number of injuries reported within the eighteen months prior to making the statement of the company's condition, whether such injuries were reported to the home office of the company or to any of its representatives. From the sum of these two products so ascertained there shall be deducted the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount so deducted to be taken as of the date at which the said statement is made. The sum remaining after making this deduction shall be charged as the liability of the company on account of outstanding losses.

Method of
computing
outstanding
losses from
experience of
other com-
panies.

Any admitted company issuing liability contracts which by reason of its limited experience in liability underwriting cannot furnish the information required by this section shall nevertheless, until it is able to comply with said requirements, be charged with a liability for outstanding losses upon all kinds of its liability policies an amount not less than the amount resulting from the following process :—The number of suits or actions pending on account of injuries reported prior to eighteen months previous to the date of making up the statement, whether such injuries were reported to the home office of the company or to any of its representatives, which are being defended on account of the holder of any policy, shall be multiplied by the average cost per suit as shown by the average experience of all other admitted liability companies, ascertained from the data required by this section ; also the number of injuries reported under said policies at any time within eighteen months of making up the statement, whether reported to the home office of the company or to any of its representatives and whether such injuries resulted in loss to the company or not, shall be multiplied by the average cost for each injured person as shown by the average of said experience of all other admitted liability companies, ascertained from the data required by this section. From the sum of these two products there shall be deducted the amount of all pay-

ments made on account or in consequence of said injuries reported within eighteen months, this amount to be taken as of the date at which the statement is made. A sum not less than the amount remaining after this deduction shall be charged as a liability for outstanding losses to liability companies covered by the provisions of this paragraph. The average cost for suits and for injured persons required by this paragraph shall, on or before the first day of December of each year, be furnished by the insurance commissioner to every such company which has not had an experience of ten years in liability underwriting.

Beside the reserve provided for in this section, each company shall be charged as a liability with all unpaid losses and claims for losses, and all other debts and liabilities, including in the case of a stock company its capital stock. He shall allow to the credit of an insurance company in the account of its financial condition only such assets as are immediately available for the payment of losses in this commonwealth, but no holding or parcel of real estate shall be given a higher value than would be adequate to yield at three per cent annual interest the average amount of its net rental for three years next preceding, except that if an insurance company shall show to the satisfaction of the insurance commissioner that the actual value of any of its real estate is greater than the value so ascertained, then the actual value of the said real estate as determined by the insurance commissioner shall be allowed.

What assets to be admissible.

He shall not allow stockholders' obligations of any description as part of the assets or capital of any stock insurance company, unless the same are secured by sufficient approved collateral.

Stockholders' obligations not capital, unless, etc.

Deposits in foreign countries to meet the requirements of law in such countries shall be deemed to be for the special protection of policy holders therein, and shall be deducted from the assets of an insurance company, but each such deposit may, in offset, before such deduction from assets, be reduced by the corresponding liability, including policy reserve, in the foreign country where such deposit is made.

SECTION 12. He shall, upon application, examine the proceedings of domestic companies to increase or reduce their capital stock, and, if found conformable to law, shall indorse certificates thereof, and shall issue certificates of

Examination for increase or reduction of capital.

authority to such companies to transact business upon such increased or reduced capital.

Examination
of accounts of
receivers, etc.

SECTION 13. He, his deputy or examiner shall annually, or oftener, examine the accounts and transactions of all receivers of insolvent insurance companies; and shall also carefully examine all accounts of such receivers referred to him under the provisions of section one hundred, and make report thereof to the court.

The commis-
sioner, etc., to
have access to
books, etc., of
receivers.

For the above purposes, he, his deputy or examiner, shall have free access to the official books and papers of such receivers relative to their transactions, and may examine such receivers under oath as to all matters connected therewith.

Notice to
court of vio-
lation of duty,
of a receiver.

If in his opinion a receiver has violated his duty in office, or further proceedings by receivers to collect an assessment will not offer substantial relief to creditors, the commissioner shall certify the facts to the court having jurisdiction of the proceedings.

Attorney for
foreign com-
panies.

SECTION 14. When legal process is served upon him as attorney for a foreign company under the provisions of the third clause of section eighty-four he shall forthwith forward one of the duplicate copies of the process served on him to its secretary, or in the case of a company of a foreign country to its resident manager if any in the United States, or to such other person as may have been previously designated by the company by written notice filed in the office of the commissioner. As a condition of valid and effectual service and of the duty of the commissioner in the premises, the plaintiff in each such process shall pay to the commissioner at the time of service thereof the sum of two dollars, which the said plaintiff shall recover as taxable costs if he prevails in his suit. The commissioner shall keep a record of all such processes which shall show the day and hour of service.

Collection, etc.,
of certain
charges and
fees.

SECTION 15. He shall collect and pay into the treasury charges and fees as follows: for valuation of life policies of a domestic company, two and one half mills for each thousand dollars of insurance; for each examination prior to granting the certificate of authority to issue policies and make contracts of insurance, as provided in section six, thirty dollars; for filing copy of charter or deed of settlement of each foreign company, thirty dollars, and for filing statement with application for admission and for each annual statement, twenty dollars; for each license

to procure fire insurance in unauthorized foreign companies, twenty dollars annually; for each license to an insurance broker, ten dollars; for each license or renewal thereof to an insurance agent, two dollars; for each certificate of the valuation of the policies of any life insurance company and for each certificate of the examination, condition or qualification of an insurance company, two dollars; for each service of lawful process upon him as attorney, two dollars; for each copy of any paper on file in his office, twelve cents a page and one dollar for certifying the same; and all other fees and charges due and payable into the treasury for any official act or service of the commissioner.

SECTION 16. He shall annually, in December, furnish to each of the insurance companies authorized to do business in this commonwealth two or more blanks in form adapted for their annual statements.

Blanks for annual statements.

SECTION 17. He shall preserve in a permanent form a record of his proceedings, including a concise statement of the result of official examinations of insurance companies.

Record of proceedings.

He shall furnish, when required for evidence in court, certificates under seal of the department relative to the authority of a company, agent or broker to transact business in this commonwealth upon any particular date, and such certificates shall be received by the courts in lieu of the testimony of the insurance commissioner or his representative.

Certificates may be received in court in lieu of other evidence, etc.

He shall annually, and as early as is consistent with full and accurate preparation, make a report to the general court of his official transactions, and shall include in such report a statement of the receipts and expenditures of his department for the preceding year; a report of the condition of the receiverships of insolvent companies; an exhibit of the financial condition and business transactions of the several insurance companies as disclosed by official examinations of the same or by their annual statements, abstracts of which statements, with his valuation of life policies, shall appear therein; and such other information and comments relative to insurance and the public interest therein, as he thinks proper.

Annual report to the general court.

PROVISIONS COMMON TO ALL COMPANIES.

Companies to
act in corpor-
ate name, etc.

SECTION 18. Every insurance company, foreign or domestic, shall conduct its business in this commonwealth in the name by which it is incorporated, and the policies and contracts of insurance issued by it shall be headed or entitled only by such name.

Liabilities to be
published with
assets.

When any such company publishes its assets it shall in the same connection and with equal conspicuousness publish its liabilities computed on the basis allowed for its annual statements, and any publication purporting to show its capital shall exhibit only the amount of such capital as has been actually paid in cash. Such publications shall be held to include all policies, renewals, signs, circulars, cards or other means by which public announcements are made.

Returns for
assessment of
taxes.

SECTION 19. Every such company shall be liable to taxation by any general law taxing insurance companies, and it shall by its proper officers make to the tax commissioner or other officer of the commonwealth such returns and statements of its business and affairs as the law may require for the purpose of assessment of such taxes, and thereupon its officers and agents may be examined under oath by the officer to whom such returns are to be made.

Sworn report
of reinsurance,
etc.

SECTION 20. If a company authorized to transact the business of insurance in this commonwealth directly or indirectly contracts for or effects any reinsurance of any risk or part thereof taken by it, it shall make a sworn report thereof to the insurance commissioner at the time of filing its annual statement or at such other time as he may request; and such reinsurance unless effected in companies authorized to transact in this commonwealth the class of business reinsured shall not reduce the taxes to be paid by it nor the reserve to be charged to it; and in no event shall such reinsurance reduce the premiums in force, upon which a reserve is to be carried by the ceding company except to the actual amount paid or payable by it for the reinsurance including the commission, if any, allowed by the reinsuring company on account of such reinsurance, except that in case the reinsurance is effected by a company as a preliminary step to its permanent retirement from business its premiums in force may be re-

duced by the gross amount written in the original policies so reinsured.

No insurance company authorized to transact business in this commonwealth shall insure in a single risk, where-
Limit of single risk, etc.
 ever such risk is located, a larger amount than one tenth of its net assets, unless it has provided for reinsurance of the excess over said limit, to take effect simultaneously with the original contract; and if any foreign insurance company violates this provision, the insurance commissioner may revoke its authority to transact business in this commonwealth; but a mutual boiler insurance company of this commonwealth may insure in a single risk an amount not exceeding one fourth of its net assets.

Every fire insurance company admitted to do business in this commonwealth shall annually and at such other times as the insurance commissioner may require, in addition to all returns now by law required of it or its agents or managers, make a return to the insurance commissioner in such form and detail as may be prescribed by him, of all reinsurance contracted for or effected by it, directly or indirectly, upon property located in this commonwealth, such return to be certified by the oath of its president and secretary if a company of one of the United States, and, if a company of a foreign country, by its president and secretary or by officers corresponding thereto as to reinsurance as aforesaid contracted for or effected through the foreign office, and by the United States manager, as to such reinsurance effected by the United States branch. If a company directly or indirectly reinsures a risk taken by it on any property, life or interest in this commonwealth in a company not duly authorized to transact business herein, or if it refuses or neglects to make the returns required by this section, the insurance commissioner may revoke its authority to transact business in this commonwealth if it is a foreign company and, if a domestic company, he shall report the facts to the attorney-general as provided in section ten; but any fire insurance company authorized to do business in this commonwealth may insure and have full authority to reinsure in unauthorized companies any property located in this commonwealth in respect to which an affidavit has been filed within the twelve months last preceding in accordance with the provisions of section eighty-eight, in which case the restrictive
Report of re-insurance.

provision of this section as to the amount which may be insured in a single risk shall not apply.

Limit of
marine risks.

An insurance company authorized to do marine business in this commonwealth may take any risk if it reinsures the same, if necessary, so that it does not retain for itself an amount of the risk exceeding ten per cent of its capital and surplus wherever they may be, and if it also places such reinsurance, if possible, at the time and at not over the original rate, with companies authorized to do marine insurance in this commonwealth; any amount in excess of what can be so placed may be reinsured with other companies, if the company or agent who procures said risk files an affidavit to that effect with the insurance commissioner, at such time and in such form as may be prescribed by him.

Misrepresentation by assured not to render policy void, unless, etc.

SECTION 21. No oral or written misrepresentation or warranty made in the negotiation of a contract or policy of insurance by the assured or in his behalf shall be deemed material or defeat or avoid the policy or prevent its attaching unless such misrepresentation or warranty is made with actual intent to deceive or unless the matter misrepresented or made a warranty increased the risk of loss.

Political
contributions
prohibited.

SECTION 22. No insurance company or association, including fraternal beneficiary associations, doing business in this commonwealth, shall, directly or indirectly, pay or use or offer, consent or agree to pay or use any money or property for or in aid of any political party, committee or organization, or for or in aid of any corporation, joint stock or other association organized or maintained for political purposes, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this section who participates in, aids, abets or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor, and be punished by imprisonment for not more than one year and by fine of not more than one thousand dollars; and any officer aiding or abetting in any contribution made in violation of this section shall be liable to the company or association for the amount so contributed.

GENERAL PROVISIONS FOR MASSACHUSETTS COMPANIES.

SECTION 23. The general provisions of law relative to the powers, duties and liabilities of corporations shall apply to all incorporated domestic insurance companies, so far as such provisions are pertinent and not in conflict with other provisions of law relative to such companies or with their charters.

Subject to general corporation law.

SECTION 24. Domestic insurance companies incorporated by special acts, whose charters are subject to a limitation of time, shall after such limitation expires continue to be bodies corporate, subject to all general laws applicable to such companies.

Continuation of corporation.

SECTION 25. No domestic insurance company shall issue policies until upon examination by the commissioner, his deputy or examiner, it is found to have complied with the laws of the commonwealth, nor until it has obtained from the commissioner a certificate stating that fact and authorizing it to issue policies.

Domestic company to obtain certificate before issuing policies.

SECTION 26. Such company may adopt by-laws for the conduct of its business and therein may provide for the division of its board of directors into two, three or four classes, and the election thereof at its annual meetings in such manner that the members of one class only shall retire and their successors be chosen each year. Vacancies in any such class may be filled by election by the board for the unexpired term.

May adopt by-laws, divide directors into classes, etc.

The secretary and treasurer shall severally give bond with sureties, in such sum as the directors may require, for the faithful performance of their respective duties.

Secretary and treasurer to give bond.

All matters proposed to be acted upon at any meeting of the company shall be specified in the call for the same.

Call for meetings.

All investments and deposits of the funds of the company shall be made in its corporate name, and no director or other officer thereof, and no member of a committee having any authority in the investment or disposition of its funds, shall accept, or be the beneficiary of, either directly or remotely, any fee, brokerage, commission, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or in behalf of such company, or be pecuniarily interested in any such purchase, sale or loan, either as borrower, principal, co-principal, agent or beneficiary except that, if a

Officers not to be pecuniarily interested.

policy holder, he shall be entitled to all the benefits accruing under the terms of his contract.

Directors to authorize investments, etc.

No investment, sale or loan, except loans on its own policies, shall be made which has not first been authorized by the board of directors, or by a committee thereof charged with the duty of investing or loaning the funds of the company, nor shall any deposit be made in a bank or banking institution unless such bank or banking institution has first been approved as a bank of deposit by the board of directors or said committee thereof and unless the vote authorizing such investment, sale or loan or approval of the place of deposit has been duly recorded in the books of the company.

Domestic company may hold certain real estate.

No domestic company hereafter acquiring title to real estate under the conditions of any mortgage owned by it or by purchase or set-off on execution upon judgment for debts due it previously contracted in the course of its business or by other process in settlement for debts shall hold it for a longer period than five years without permission granted in writing by the insurance commissioner; nor shall any such company hereafter invest in real estate except to the extent that may be necessary for its convenient accommodation in the transaction of its business, and then in no case to exceed ten per cent of its invested assets, including cash in banks.

Not to engage in other business.

Such company shall not engage in buying or selling goods, wares or merchandise, except articles insured by it on which losses are claimed, and except in replacing, rebuilding or repairing insured property as provided in its policies, nor engage in any business other than as specified in its charter or agreement of association and expressly authorized by law.

Policies, how executed.

All policies issued by such company shall be signed by its secretary or, in his absence, by a secretary pro tempore, and by its president or vice president or, in their absence, by two directors.

Business office; cards, etc., to specify location.

Such company shall have its office in the city or town specified in its charter or agreement of association; and if it establishes agencies in other cities or towns, all signs, cards, pamphlets and advertisements exhibited or issued by them shall specify the city or town in which the company they represent is located.

Salaries to be authorized by board of directors.

SECTION 27. No domestic insurance company shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor any salary, compensation

or emolument amounting in any year to more than five thousand dollars to any person, firm or corporation unless such payment be first authorized by a vote of the board of directors of such insurance company. No such company shall make any agreement with any of its officers, trustees or employees whereby it agrees that for any services rendered or to be rendered he shall receive any salary, compensation or emolument that will extend beyond a period of three years from the date of such agreement; nor shall such company pay any pension whatsoever.

SECTION 28. No domestic insurance company shall make any disbursements of twenty-five dollars or more unless the same be evidenced by a voucher signed by or on behalf of the person, firm or corporation receiving the money and correctly describing the consideration for the payment, and if the same be for services and disbursements setting forth the services rendered and an itemized statement of the disbursements made, and if it be in connection with any matter pending before any legislature or public body or before any department or officer of any government, correctly describing in addition the nature of the matter and of the interest of such corporation therein, or, if such a voucher cannot be obtained, by an affidavit stating the reasons for not obtaining such voucher, and setting forth the particulars above mentioned.

Vouchers for disbursements.

SECTION 29. No foreign or domestic insurance company or association transacting business in this commonwealth shall make, issue or deliver therein any policy or contract of insurance containing any condition, stipulation or agreement depriving the courts of this commonwealth of jurisdiction of actions against such companies or associations, or limiting the time for commencing actions against such companies or associations to a period of less than two years from the time when the cause of action accrues; and any such condition, stipulation or agreement shall be void. An insurance company, association or agent that makes, issues or delivers a policy or contract of insurance in wilful violation of the provisions of this act shall forfeit not less than fifty dollars, nor more than two hundred dollars, for each offence; but such policy shall be binding upon the company or association issuing the same.

Policies not to contain certain conditions, stipulations, etc.

Penalty.

SECTION 30. Mortgages on real estate held by a domestic insurance company may be attached and taken

Mortgages may be attached, etc.

and sold on execution, in the manner provided in sections ninety to ninety-four, inclusive, of chapter one hundred and fifteen of the Revised Laws relative to mortgages held by banks, and the secretary of the company shall perform relative thereto the duties required of cashiers and clerks of banks.

When corporate powers shall cease, etc.

SECTION 31. If any domestic insurance company shall not commence to issue policies within one year after the date of its act of incorporation or of its certificate of organization, or if after it has commenced to issue policies it shall cease for the period of one year to make new insurance, its corporate powers shall thereby expire, and the supreme judicial court, upon petition of the insurance commissioner or of any person interested, may fix by decree the time within which it shall settle and close its affairs. A company incorporated by special act shall, within one year after the date thereof, file with the secretary of the commonwealth a written notice of its organization under its charter, or the same shall be void.

Investments of domestic companies.

Nothing in the charter of any domestic mutual life insurance company shall limit the investments of such company unless such limitation is contained in the general insurance laws in force at the time of making the investment.

ORGANIZATION.

Purposes of incorporation.

SECTION 32. Ten or more persons residents of this commonwealth may form an insurance company for any one of the following purposes :

Insurance against loss by fire, etc.

First, To insure upon the stock or mutual plan against loss or damage to property by fire ; explosion, fire ensuing, except explosion of steam boilers and fly-wheels ; lightning, or tempest on land.

By perils of the sea.

Second, To insure upon the stock or mutual plan vessels, freights, goods, money, effects, and money lent on bottomry or respondentia, against the perils of the sea and other perils usually insured against by marine insurance, including risks of inland navigation and transportation.

Guaranty of fidelity, etc.

Third, To guarantee the fidelity of persons in positions of trust, private or public, and to act as surety on official bonds and for the performance of other obligations.

Damage by steam boiler and fly wheel explosions.

Fourth, To insure against loss or damage to property of the assured, or loss or damage to the life, person or property of another for which the assured is liable, caused

by the explosion of steam boilers or fly-wheels, not, however, to include loss or damage as specified in clause twelfth of this section.

Fifth, To insure any person against bodily injury or death by accident, or any person, firm or corporation against loss or damage on account of the bodily injury or death by accident of any person for which loss or damage said person, firm or corporation is responsible, and to make insurance upon the health of individuals. Accident to persons, etc.

Sixth, To insure against the breakage of plate glass, local or in transit. Breakage of plate glass.

Seventh, To insure any goods or premises against loss or damage by water caused by the breakage or leakage of sprinklers, pumps, water pipes, or plumbing and its fixtures, and against accidental injury from other cause than fire or lightning to such sprinklers, pumps, water pipes, plumbing and fixtures. Breakage of sprinklers, etc.

Eighth, To insure against loss or damage to property arising from accidents to elevators, bicycles and vehicles, except rolling stock of railways. Accidents to elevators, etc.

Ninth, To carry on the business commonly known as credit insurance or guaranty, either by agreeing to purchase uncollectible debts, or otherwise to insure against loss or damage from the failure of persons indebted to the assured to meet their liabilities. Credit insurance.

Tenth, To examine titles of real and personal property, furnish information relative thereto and insure owners and others interested therein against loss by reason of encumbrances and defective title. Title insurance.

Eleventh, To insure against loss or damage by burglary, theft or housebreaking. Burglary, etc.

Twelfth, To insure against loss or damage arising from the prevention or suspension of the use and occupation of any building, plant or manufacturing establishment, or of any part thereof, due to or caused by the breakage of or accident to engines, boilers, motors, machinery, or by any cause, except fire, not brought about by the act or will of the owners, occupants or users thereof. Accidents to machinery.

Stock companies organized under this section shall have a paid-up capital as follows: Capital.

Under the first clause, upon the stock plan, and under the third, fourth, fifth, seventh, eighth, ninth, eleventh and twelfth clauses not less than two hundred thousand dollars.

Under the second clause, not less than three hundred thousand dollars.

Under the fifth clause, to insure only against the sickness and the bodily injury or death of the insured by accident, and under the sixth clause, one hundred thousand dollars.

If organized under the tenth clause the capital shall not exceed one million dollars.

Formation of corporation.

SECTION 33. The corporation shall be formed in the manner described in and be subject to the provisions of sections fifteen to twenty, inclusive, of chapter one hundred and ten of the Revised Laws, except as herein otherwise expressly provided.

Name.

The name of the corporation shall be subject to approval by the insurance commissioner.

Agreement of association.

The agreement of association shall state the class of insurance it proposes to transact and on what business plan or principle; and if the company does not transact business on the stock plan the amount of its capital stock and the par value of its shares may be omitted.

First meeting; election of officers.

At the first meeting, only the directors and such other officers as the by-laws require shall be chosen, and the president, secretary and such other officers as the by-laws authorize them to choose shall be chosen by the directors.

Certificate of organization.

The certificate of organization shall be signed and sworn to by the president, secretary and a majority of the directors, and shall, with the records of the corporation, be submitted to the insurance commissioner instead of the commissioner of corporations, and he shall perform the duties relative thereto required of the commissioner of corporations relative to manufacturing corporations.

The certificate issued by the secretary under the provisions of section twenty of chapter one hundred and ten of the Revised Laws shall be modified to conform to the requirements of this section.

Fee.

The fee to be paid to the secretary upon the filing of the certificate of organization shall be twenty-five dollars.

Not to do other business than is specified in charter, etc.

SECTION 34. No domestic insurance company shall transact any business other than that specified in its charter or agreement of association and no foreign insurance company admitted to this commonwealth prior to May thirty-first, eighteen hundred and eighty-seven, shall transact any other kind of business than it had been

authorized to transact prior to that date, and no foreign insurance company admitted since said date shall transact more than one class or kind of business herein, except that a domestic company and, if its charter permits, and not otherwise, any admitted foreign company may transact :

a. The kinds of business specified in the fourth and fifth clauses of section thirty-two if admitted to transact either kind and if it has a paid-up capital of not less than four hundred thousand dollars ;

b. The kinds of business specified in the third and eleventh clauses of section thirty-two if admitted to transact either kind and if it has a paid-up capital of not less than four hundred thousand dollars ;

c. The kinds of business specified in the seventh clause, and may also insure property against loss by bombardment, if authorized to transact the business specified in the first clause ;

d. The kind of business specified in the seventh clause if authorized to transact the kind of business specified in the fourth or eighth clause ;

e. The kind of business specified in the fifth clause if authorized to transact the business of life insurance in this commonwealth, provided it has a paid-up capital of not less than four hundred thousand dollars.

f. Companies which have authority to transact the business specified in the first clause may insure against the loss or damage specified in the twelfth clause, when caused by fire and not by accident.

Contracts of insurance for each of the classes specified in section thirty-two shall be in separate and distinct policies notwithstanding any provision of this act which permits a company to transact more than one of said classes of insurance. Separate policies, etc.

Domestic companies, and, if their charters permit, foreign companies now or hereafter authorized to transact the business of fire insurance in this commonwealth may insure also against all the contingencies covered in the first clause of section thirty-two.

Mutual companies organized prior to the twenty-eighth day of May in the year eighteen hundred and eighty-six, to transact employers' liability business, may continue such business under the fifth clause of section thirty-two, and shall be subject to the laws, so far as applicable, relative to mutual fire insurance companies. Certain mutual companies may transact employers' liability business.

Reincorpora-
tion.

SECTION 35. Any domestic corporation subject to chapter one hundred and nineteen and confining its membership to a particular order or fraternity, or to chapter one hundred and twenty, Revised Laws, may by a two thirds vote of its policy or certificate holders voting thereon adopt the provisions of this section at a meeting called to consider the same, of which meeting written or printed notice shall be mailed to each policy or certificate holder at least thirty days before the day fixed for the meeting, and be re-incorporated under the provisions of this act as a stock corporation to insure only against the disability of the insured by sickness, and the bodily injury and death of the insured by accident. The members of such corporations may vote on this proposition by proxy, if the instrument appointing the proxy is filed with the secretary of the corporation at least five days before said meeting, and the aforesaid notice to the policy and certificate holders shall so state. A copy of such vote certified to by the president, secretary and a majority of the directors of the corporation shall be filed with the insurance commissioner. If such vote be in the affirmative the recording officer shall cause a notice to be mailed to each policy or certificate holder at his last known address, reciting the substance of such vote, and stating that books for cash subscriptions for stock in said company have been opened in the home office and will continue open for sixty days from the date of said notice, and that a policy or certificate holder in said corporation may have a prior right within said period to subscribe for said stock; and stating also that no member shall subscribe for more than ten shares thereof, and that the par value shall be twenty-five dollars per share; and stating also, in a form that shall be satisfactory to the insurance commissioner, the financial condition of the company at the time of the meeting aforesaid. If within said period of sixty days the capital, as fixed, shall be over-subscribed by policy or certificate holders, the directors shall allot to each his proportionate part of the amount subscribed. At the expiration of said period of sixty days, the said right of priority to subscribe shall cease, and subscriptions for stock then undisposed of may be received from any member or certificate holder or other person and to any amount. Within thirty days after the stock shall have been subscribed, a meeting of the subscribers shall be called by a notice signed by the

recording officer of the corporation, stating the time, place and purpose of the meeting, a copy of which notice shall, seven days at least before the day appointed for the meeting, be given to each subscriber or left at his usual place of business or residence or deposited in the post-office, post paid, and addressed to him at his usual place of business or residence. Said recording officer shall make an affidavit of his doings which, with a copy of the notice, shall be recorded in the records of the corporation. At such meeting, including any necessary or reasonable adjournment thereof, by-laws of such stock corporation shall be adopted, and the secretary, directors and such other officers as the by-laws require shall be chosen. The president, treasurer and other officers that the said by-laws authorize them to choose, shall be elected by the directors at a meeting held directly after the adjournment of the stockholders' meeting. A certificate of organization, containing a statement that the capital stock has been paid in in cash, shall be signed and sworn to by the president, secretary and a majority of the directors of such corporation and shall, with the records of the corporation pertaining to the incorporation, be submitted to the insurance commissioner. If it appears that the requirements of this section have been complied with, the insurance commissioner shall so certify, and approve the certificate, by his endorsement thereon. Such certificate shall thereupon be filed by said officers in the office of the secretary of the commonwealth who, upon payment by the company of a fee of ten dollars, shall issue to such corporation a certificate of re-incorporation as a stock corporation, with the powers retained and hereby conferred. Upon the issuance of such certificate such corporation shall cease to issue policies or certificates upon its former plan, and shall then be empowered to transact its business under the provisions of this chapter, with all the obligations, rights and privileges that it would be subject to had it been incorporated under the provisions of this act. The corporation shall be subject to all the liabilities of the former corporation, and be entitled to all its assets including the emergency fund which shall be paid to it by the treasurer and receiver general, upon requisition signed by the president and a majority of the directors, accompanied by a copy of the certificate of re-incorporation. All policies or certificates in force at the date of re-incorporation.

Reincorporation.

ration shall continue in full force and effect in all their provisions, agreements and undertakings and shall be construed according to the provisions of law under which they were issued, except that the policy or certificate holder shall not be liable to any extra assessment: *provided, however*, that the rates for benefits for death from natural causes may from time to time be raised if the experience of the company shows it to be necessary. Any defences or evidence relative to such policies or certificates open under such provisions shall constitute a defence and shall be received as evidence in any controversy between the parties to or interested in such policies or certificates. No such re-incorporated company shall declare a stock dividend unless its surplus thereafter would be equal to the amount of the surplus at the time of re-incorporation.

STOCK COMPANIES.

Officers, — their Election, Duties and Liability.

Stock companies; election of directors, etc.

SECTION 36. The board of directors of each domestic stock insurance company shall consist of not less than five members, who shall be chosen by ballot from the stockholders, and a majority of whom shall be residents of the commonwealth. They shall hold office for one year or for the term provided in its by-laws, as authorized by the provisions of section twenty-six, and until their successors are qualified.

Votes of stockholders, etc.

In the choice of directors and at all meetings of the company each stockholder shall be entitled to one vote for each share he holds not in excess of one tenth of the capital.

Proxies.

Proxies may be authorized by written power of attorney, but no officer shall vote as proxy. The record of the votes made by the secretary or clerk, which shall show whether the same were cast in person or by proxy, shall be evidence of all such elections.

Evidence of elections.

Directors, quorum, etc.

The directors, before they are qualified to act, shall file with the secretary a written acceptance of the trust. Not less than four shall constitute a quorum, and a majority of those in attendance may transact business. Vacancies in any office may be filled by the directors or by the stockholders as the by-laws shall provide.

Statement of transactions, etc.

The directors shall at each annual meeting of the company submit a full statement of the transactions of the

company during the previous year and of its financial condition.

Such companies shall be subject to the provisions of section forty-four, except as herein modified.

No treasurer shall be chosen unless such officer is required by the by-laws.

Special meetings shall be called when written requests for the same shall be signed by owners of one fifth part of the capital, or by twenty stockholders, and filed in the office of the corporation. Special meetings.

The secretary shall keep a list of the stockholders and of the number of shares standing in the name of each and a record of all transfers of such shares. List of stockholders to be kept.

The directors or other officer making or authorizing an investment or loan in violation of the provisions of the following section shall be personally liable to the stockholders for any loss caused thereby. Liability of directors, etc.

If a company is under liability for accrued losses equal to its net assets, and the president or other officer knowing it make or assent to further insurance, they shall be personally liable for any loss under such insurance.

If the directors allow to be insured on a single risk a larger amount than the law permits they shall be liable for any loss thereon above the amount to which they might lawfully insure.

Payment of Capital and Investment of Capital and Other Funds.

SECTION 37. The capital stock shall be paid in cash within twelve months after date of the charter or certificate of organization, and no certificates of full shares and no policies shall be issued until the whole capital is paid in. A majority of the directors shall certify on oath that the money has been paid by the stockholders for their respective shares and that the same is held as the capital of the company invested or to be invested as required by the provisions of this section. Capital stock, how and when paid in, etc.

The capital of any domestic insurance company other than life, and three fourths of the reserve of any domestic stock or mutual life insurance company, shall be invested only as follows: — Investment of capital, etc.

1. In the public funds of the United States or District of Columbia, or of any state of the United States.

2. *a.* In the legally authorized bonds or notes of any county, city, town, school or water district in Massachusetts.

b. In the legally authorized notes or bonds of any county, city, school or water district in any other state in the United States which are a direct obligation of the county, city, school or water district issuing the same, and which has a population, according to the last national or state census preceding the date of such investment, of more than one hundred thousand inhabitants.

c. In the legally authorized bonds or notes of any county, city, town, school or water district in any such other state of the United States which are a direct obligation of the county, city, town, school or water district issuing the same whose indebtedness, after deducting the amount of its water debt and securities in the sinking funds which are available for payment of its bonds, does not exceed five per cent of the valuation of property therein, as assessed for taxation next preceding the date of such investment.

Railroad and
street railway
securities.

3. In the bonds or notes of any railroad or street railway corporation incorporated or located wholly or in part in Massachusetts, or in the mortgage bonds of any railroad corporation located wholly or in part in any state of the United States whose capital stock equals at least one third of its funded indebtedness, which has paid regularly for the five years next preceding the date of such investment all interest charges on said funded indebtedness, and which has paid for such period regularly dividends of at least four per cent per annum upon all its issues of capital stock, or in the mortgage bonds of any railroad, railway or terminal corporation which have been, both as to principal and interest, assumed or guaranteed by any such railroad or railway corporation.

In the mortgage bonds of any railroad corporation located wholly or in part in any state of the United States whose liens junior to such mortgage bonds equal at least one third of the funded indebtedness secured by such mortgage bonds and bonds prior thereto, which has paid regularly for the five years next preceding the date of such investment all interest charges on the said funded indebtedness, and which has paid for such period regularly at least four per cent interest on such junior securities.

4. In loans upon improved and unencumbered real property in any state of the United States, provided that no loan on such real property shall exceed sixty per cent of the fair market value thereof at the time of such loan, and a certificate of the value of such property shall be executed before making such loan by the person or persons making or authorizing such loan on behalf of the corporation, which certificate shall be recorded on the books of the company.

Mortgage loans.

5. In such real property as shall be requisite for convenient accommodation in the transaction of its business and subject to the provisions of section twenty-six.

Real property.

6. In loans upon the security of its own policies not exceeding ninety-five per cent of the cash surrender value of the policy at the time of making the loan.

Policy loans.

7. In loans secured by collateral security consisting of any of the above.

Collateral security loans.

8. No domestic life insurance company shall invest any of its funds in any unincorporated business or enterprise, nor in the stocks or evidence of indebtedness of any corporation, the owners or holders of which stock or evidence of indebtedness may in any event be or become liable on account thereof to any assessment except for taxes, nor shall such life insurance company invest any of its funds in its own stock or in the stock of any other insurance company. No such company shall invest in, acquire or hold directly or indirectly more than ten per cent of the capital stock of any corporation, nor shall more than ten per cent of its capital and surplus be invested in the stock of any one corporation. No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company jointly with any other person, firm or corporation; nor shall any such company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of its board of directors.

Certain investments prohibited.

9. Nothing herein shall prevent such company from investing or loaning any funds not required to be invested as provided in sub-divisions one to seven, inclusive, of this section in any manner that the directors of such life insurance company may determine: *provided, however,*

Certain funds may be invested otherwise.

Proviso.

that such funds shall not be invested in the purchase of stocks or evidence of indebtedness prohibited by subdivision eight of this section, and provided that no loan of such funds shall be made to an individual or firm unless it is secured by collateral security.

May acquire property by sale or foreclosure.

Proviso.

10. Nothing in this section shall prevent any such life insurance company from acquiring or holding any property that shall be acquired in satisfaction of any debt previously contracted, or that shall be obtained by sale or foreclosure of any security held by it: *provided, however*, that, if the property owned be such as is herein prohibited for investment by such corporation, it shall dispose of such property if personal, within one year, and if real property within five years, from the date when it acquired title to the same, unless the insurance commissioner shall extend the time for such disposition for the reason that the interests of the company will suffer materially by a forced sale of such property.

A record of such extension shall be made by the insurance commissioner, which shall state the time of the extension, and in that event the sale of said property may be made at any time before the expiration of the time of such extension.

Prohibited investments to be sold, etc.

All property held by any domestic insurance company when this act takes effect, the investment in or loan on which property by such company is prohibited by the provisions of this section, shall be sold and disposed of within five years from the time when this act shall take effect, and such property shall not be held for a longer period, unless the time be extended by the insurance commissioner in the manner above provided.

Impairment, Increase and Reduction of Capital.

Capital impaired to be made good by assessment.

SECTION 38. If the net assets of the company do not amount to more than three fourths of its capital, it may make good its capital by assessment of its stock.

Forfeiture of shares.

Shares on which such assessment is not paid within sixty days after demand shall be forfeitable, and may be cancelled by a vote of the directors, and new shares issued to make up the deficiency.

Authority to do business to cease in certain cases.

If such company shall not, within three months after notice from the insurance commissioner, make good its capital as aforesaid, or reduce the same as provided in

section forty, its authority to transact new business of insurance shall cease.

SECTION 39. Such company may issue pro rata to its stockholders certificates of any portion of its actual net surplus it may decide to divide, which shall be deemed to be an increase of its capital to the amount of such certificates, and such company may, at a meeting called for the purpose, vote to increase the amount and number of shares of its capital stock, and to issue certificates thereof when paid for in full.

Increase of capital.

However the increase is made, the company shall, within thirty days after the issue of such certificates, submit to the insurance commissioner a certificate stating the amount of the increase and the facts of the transaction, signed and sworn to by its president and secretary and a majority of its directors. If the commissioner finds that the facts conform to the law he shall indorse his approval thereof; and, upon filing such certificate so indorsed with the secretary of the commonwealth and the payment of a fee of five dollars for filing the same, the company may transact business upon the capital as increased and the commissioner shall issue his certificate to that effect.

Certificate of increase, etc.

SECTION 40. If the capital stock of a company is impaired, such company may, upon a vote of a majority of the stock represented at a meeting legally called for that purpose, reduce its capital stock and the number of shares thereof to an amount not less than the minimum amount required by law. But no part of its assets and property shall be distributed to its stockholders.

Reduction of capital.

Within ten days after such meeting the company shall submit to the insurance commissioner a certificate setting forth the proceedings thereof and the amount of such reduction and the assets and liabilities of the company, signed and sworn to by its president, secretary and a majority of its directors. If the commissioner finds that the reduction is made in conformity to law and that it will not be prejudicial to the public, he shall indorse his approval upon the certificate.

Certificate of reduction.

Upon filing the certificate, so indorsed, with the secretary of the commonwealth, and paying a fee of five dollars for the filing thereof, the company may transact business upon the basis of such reduced capital as though the same were its original capital, and its charter shall be deemed to be amended to conform thereto; and the

May do business on basis of reduced capital.

insurance commissioner shall issue his certificate to that effect.

Substitute
certificates,
etc.

Such company may, by a majority vote of its directors, after such reduction, require the return of the original certificates of stock held by each stockholder in exchange for new certificates which it may issue in lieu thereof for such number of shares as each stockholder is entitled to in the proportion that the reduced capital bears to the original capital.

Dividends.

Dividends to
be made only
from surplus,
etc.

SECTION 41. No stock company shall make a dividend, either in cash or stock certificates, except from its actual net surplus computed as required by law in its annual statement; nor shall any such company which has ceased to do new business of insurance divide any portion of its assets, except surplus, to its stockholders until it shall have performed or cancelled its policy obligations. Any such company may declare and pay, annually or semi-annually, from its surplus, cash dividends to its stockholders of not more than ten per cent of its capital stock in a year; and if the dividends in any year are less than ten per cent, the difference may be made up in any subsequent year or years from surplus accumulations; but any such company may pay such dividend as the directors may consider prudent out of any surplus that shall remain after charging in addition to all its liabilities, except unearned premiums, an amount equal to the whole amount of premiums on unexpired risks, and deducting from the assets all securities and book accounts on which no part of the principal or interest has been paid within the last year and for which foreclosure or suit has not been commenced for collection, or which after judgment obtained thereon shall have remained more than two years unsatisfied and on which interest shall not have been paid, and also deducting all interest due and unpaid on any property of the company.

MUTUAL FIRE.

Issue of
policies by
mutual fire
insurance
companies.

SECTION 42. No policy shall be issued by a purely mutual fire insurance company organized subsequent to the twenty-third day of April in the year eighteen hundred and ninety-four, nor by a mutual fire insurance company with a guaranty capital of less than one hundred

thousand dollars, until not less than one million dollars of insurance, in not less than four hundred separate risks upon property located in this commonwealth, has been subscribed for and entered on its books. No policy shall be issued under the provisions of this section until a list of the subscribers for insurance, with such other information as the insurance commissioner may require, shall have been filed at the insurance department, nor until the president and secretary of the company shall have certified under oath that every subscription for insurance in the list so filed is genuine and made with an agreement with every subscriber for insurance that he will take the policies subscribed for by him within thirty days of the granting of a license to the company by the insurance commissioner to issue policies. If such officers shall take a false oath relative to such certificate they shall be guilty of perjury.

No mutual fire insurance company operating on the cash premium plan as provided in section forty-eight, nor any mutual fire insurance company with a guaranty capital of less than one hundred thousand dollars, either of which has become insolvent, or has reinsured or cancelled its risks so that it has on its books less than one million dollars of insurance in force, not reinsured, in not less than four hundred separate risks in this commonwealth, shall make any further insurances until it has secured applications for policies which, together with the unreinsured risks in force, shall amount to not less than one million dollars in not less than four hundred separate risks in this commonwealth, said applications to be subject to the same provisions of this section as apply to the subscriptions for insurance in a new company. Upon the filing of such applications with the insurance commissioner he may make such investigation as he deems proper and if his findings warrant it grant a license to such company to issue policies. No officer or other person whose duty it is to determine the character of the risks, and upon whose decision the application shall be accepted or rejected by a mutual fire insurance company, shall receive as any part of his compensation a commission upon the premiums, but his compensation shall be a fixed salary and if the directors so determine a share of the net profits. Nor shall such officer or person aforesaid be an employee of any officer or agent of the company.

Certain companies not to make further insurance without a license.

Compensation of certain officers, etc.

Members and Elections.

Members of
mutual fire
insurance
companies,
etc.

SECTION 43. Every person insured by a mutual fire insurance company shall be a member while his policy is in force, entitled to one vote for each policy he holds, and shall be notified of the time and place of holding its meetings by a written notice or by an imprint in type not smaller than long primer upon the filing-back of each policy, receipt or certificate of renewal, as follows:—

The assured is hereby notified that by virtue of this policy he is a member of the Insurance Company, and is entitled to vote either in person or by proxy at any and all meetings of said company. The annual meetings are held at its home office on the day of in each year, at o'clock.

The blanks shall be duly filled in print, and shall be a sufficient notice.

Representative
of insured
corporation to
have certain
rights, etc.

A corporation which becomes a member of such company may authorize any person to represent it in such company, and such representative shall have all the rights of any individual member.

Right of
trustee, etc.

Any person holding property in trust may insure the same in such company, and as such trustee assume the liabilities and be entitled to the rights of a member, but shall not be personally liable upon such contract of insurance.

Voting by
proxy.

Members may vote by proxies dated and executed within three months and returned and recorded on the books of the company three days or more before the meeting at which they are to be used; but no person shall as attorney or otherwise cast more than twenty votes, and no officer shall himself or by another ask for, receive, procure to be obtained or use a proxy to vote.

Directors,
election,
term, etc.

Every such company shall elect by ballot a board of not less than seven directors, who shall manage and conduct its business and who shall hold office for one year or for such term as the by-laws may provide, in accordance with the provisions of section twenty-six, and until their successors are qualified.

Eligibility of
directors.

Two thirds at least of the directors shall be citizens of this commonwealth and, after the first election, members only shall be eligible, but no director shall be disqualified

from serving the term for which he was chosen by reason of the expiration or cancellation of his policy : *provided*,^{Proviso.} that in companies with a guaranty capital one half of the directors shall be chosen by and from the stockholders.

Five or more of the directors shall constitute a quorum^{Quorum.} for the transaction of business by the vote of a majority of those in attendance.

Vacancies in any office may be filled in such manner as^{Vacancies.} the by-laws shall provide.

Powers and Duties of Officers.

SECTION 44. The directors shall annually choose by^{Election of officers} ballot a president, who shall be a member of the board, a secretary, a treasurer, who may also be either the president or secretary, and such other officers as the by-laws provide.

They may call special meetings of the members of the corporation, of which each member shall have such notice as the by-laws provide, and shall call such meetings upon the written request of twenty members or of the owners of one fifth of the guaranty capital, stating the purpose thereof.^{Special meetings.}

The president, the vice president, if any, and the secretary and treasurer shall be annually sworn, and their oaths be entered of record in the books of the corporation. The president or, in his absence, the vice president shall preside at all meetings of the directors or members. In the absence of both, a president pro tempore may be chosen.^{Officers to be sworn, etc.}

The secretary shall keep a record of the votes, whether cast in person or by proxy, and the other proceedings of all meetings of the directors and of the members ; a true list of the holders of the guaranty capital, if any, the number of shares owned by each, and a record of all transfers of such shares ; and shall record all policies issued and all authorized assignments, transfers and cancellations thereof ; and such other books and records as the president and directors may require. The records so kept shall be evidence of the transactions to which they relate, and for making any wilfully false record the secretary shall be deemed guilty of perjury. Such records shall be open to the inspection of any person interested therein.^{Secretary to keep record of proceedings, etc.}

Companies with a Guaranty Capital.

Guaranty capital of mutual fire insurance companies, etc.

Liability for losses, etc.

Rights of shareholders, etc.

Reduction or retirement of guaranty capital.

SECTION 45. A mutual fire insurance company may be formed with, or an existing mutual fire insurance company may establish, a guaranty capital of not less than twenty-five thousand dollars nor more than two hundred thousand dollars, divided into shares of one hundred dollars each, which shall be invested in the same manner as is provided for the investment of the capital stock of certain insurance companies by section thirty-seven. The stockholders of the guaranty capital of a company shall be entitled to a semi-annual dividend of not more than three and one half per cent on their respective shares if the net profits or unused premiums, left after all expenses, losses and liabilities then incurred, with the reserve for reinsurance, are provided for, shall be sufficient to pay the same. The guaranty capital shall be applied to the payment of losses only when the company has exhausted its cash in hand and the invested assets, exclusive of uncollected premiums, and when thus impaired, the directors may make good the whole or any part of it by assessments upon the contingent funds of the company at the date of such impairment. Shareholders and members of such companies shall be subject to the same provisions of law relative to their right to vote as apply respectively to shareholders in stock companies and policy holders in purely mutual companies; and said guaranty capital shall be retired when the permanent fund of the company equals two per cent of the amount insured upon all policies in force; and said guaranty capital may be reduced or retired by vote of the policy holders of the company and the assent of the insurance commissioner, if the net assets of the company above its reinsurance reserve and all other claims and obligations, exclusive of guaranty capital, for two years last preceding and including the date of its last annual statement, shall be not less than twenty-five per cent of the guaranty capital. Due notice of such proposed action on the part of the company shall be mailed to each policy holder of the company not less than thirty days before the meeting when such action may be taken, and shall also be advertised in two papers of general circulation, approved by the insurance commissioner, not less than three times a week for a period of not less than four weeks before said meeting. No in-

insurance company with a guaranty capital, which has ceased to do new business, shall divide among its stockholders any part of its assets or guaranty capital, except income from investments, until it shall have performed or cancelled its policy obligations.

Permanent Fund.

SECTION 46. Mutual fire insurance companies may continue to hold as a permanent fund the net profits, and such companies with a guaranty capital the special reserve, already set apart as provided by law. If such fund of any such company is less than two per cent of its insurance in force, or if such company has no such fund, the directors may annually set apart such portion as they may deem best of the net profits of the preceding year for an addition to or to establish such fund until said limit of two per cent has been reached. Such fund shall be held for the security of the insured and shall be subject to the provisions of law relative to the investment of the capital stock of insurance companies on the stock plan; but the income from such fund shall be included in the general receipts of the company and shall constitute a part of the "net profits," if any, as defined in this section. The permanent fund so accumulated shall be used for the payment of losses and expenses when the cash funds of the company in excess of an amount equal to its liabilities, including guaranty capital, are exhausted; and when the said fund is drawn upon, the reservation of profits as aforesaid may be renewed or continued until the limit of accumulation as herein provided is reached, but the provisions of this section shall not affect existing rights.

Permanent fund, etc.

Dividends and Assessments.

SECTION 47. The directors of any mutual fire insurance company may, from time to time, by vote, fix and determine the amount to be paid as a dividend upon policies expiring during each year. Each policy holder of a domestic company, and each Massachusetts policy holder of a foreign company shall be notified at his last known address within six months after the expiration of his policy of the amount of any dividend declared and payable thereon, unless in the meantime such dividend has been paid in

Dividends, etc.

cash or applied in payment of the premium on the renewal of the policy.

Premiums,
etc.

SECTION 48. Mutual fire insurance companies, except as provided in the following section, shall charge and collect upon their policies a full mutual premium in cash, or notes absolutely payable. Any such company may in its by-laws and policies fix the contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a member shall not be less than an amount equal to and in addition to the cash premium written in his policy. The total amount of the liability of the policy holder shall be plainly and legibly stated upon the filing-back of each policy. Whenever any reduction is made in the contingent liability of members such reduction shall apply proportionally to all policies in force.

Deposit notes,
etc.

SECTION 49. Mutual fire insurance companies organized prior to the twenty-first day of May in the year eighteen hundred and eighty-seven and now lawfully doing business upon the plan of taking deposit notes for a percentage of the amount insured by its policies, and making a call or assessment thereon for expenses and for the payment of losses only after such losses are incurred, may continue such system of business, and such deposit notes shall constitute the entire liability of their members.

Assessments.

SECTION 50. If a mutual fire insurance company is not possessed of cash funds above its unearned premiums, sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon its members liable to assessment therefor, in proportion to their several liability.

Liability of
policy holder,
etc.

Each policy holder shall be liable to pay his proportional part of any assessments which may be laid by the company in accordance with law and his contract, on account of losses and expenses incurred while he was a member, if he is notified of such assessment within one year after the expiration of his policy. And when an assessment is ordered the directors shall forthwith cause written notice and demand for payment to be made upon each person subject thereto, by mail or personal service.

Records, etc.

The company shall cause to be recorded in a book kept for that purpose the order for such assessment, with a statement which shall set forth the condition of the company at the date of the order, the amount of its cash assets

and of its deposit notes or other contingent funds liable to the assessment, the amount the assessment calls for and the particular losses or other liabilities it is made to provide for. Such record shall be made and signed by the directors who voted for the order, before any part of the assessment is collected, and any person liable to the assessment may inspect and take a copy of the same.

SECTION 51. If the directors by authority of statute make an assessment or call on the members for money, or vote that there exists a necessity for such assessment or call, they or any person interested in the company as an officer, policy holder or creditor, may apply to the supreme judicial court for any county, by a petition in the nature of a bill in equity, praying the court to examine such assessment or call, the necessity therefor, and all matters connected therewith, and to confirm, amend or annul the assessment or call, or to order that the same be made as law and justice may require; but if an application is made by any party except the corporation, or a receiver, or the insurance commissioner, the court may decline to exercise jurisdiction thereof. If the directors unreasonably neglect to make an assessment or call to satisfy an admitted or ascertained claim upon the company, any judgment creditor, or any person holding such claim, or the insurance commissioner, may make the application to the court. Upon such application, if made by the directors, or upon an order of the court, if made by any other person, the directors shall set forth the claims against the company, its assets, and all other facts and particulars appertaining to the matter.

Supreme judicial court may order assessment in certain cases, etc.

The court before which such petition is filed shall order notice to be given by publication or otherwise to all parties interested and, upon the return thereof, shall examine the assessment or call, or the necessity therefor, and all matters connected therewith. Any parties interested may appear and be heard thereon. All questions that arise shall be heard and determined as in other equity cases.

Notice of assessment, etc.

The application shall be referred to an auditor, who shall appoint a time and place to hear all parties interested, and shall give personal notice thereof in writing to the insurance commissioner, and through the post office, so far as he is able, to all persons liable upon said assessment or call. The auditor shall hear the parties, and report upon the correctness of the assessment or call, and all

Hearing to be given, etc.

matters connected therewith. The court may confirm, amend or annul the assessment or call, or order one to be made; and may make such orders and decrees as under all the circumstances justice and equity require. If the assessment or call is altered or amended, or one is ordered to be made, the directors shall forthwith proceed to vote the same in legal form, and the record of such vote shall be set forth in a supplemental bill or answer.

Decree to be entered, etc.

When an assessment or call has been so confirmed, ascertained or established, a decree shall be entered which shall be final and conclusive upon the company and all persons liable to the assessment or call, as to the necessity of the same, the authority of the company to make or collect the same, the amount thereof, and all formalities connected therewith. An assessment or call altered or amended by vote of directors and decree of the court thereon shall be binding upon all parties who would have been liable under it as originally made, and in all legal proceedings shall be held to be such original assessment or call. All such proceedings shall be at the cost of the company, unless the court for cause otherwise orders; and in all cases the court may control the disposition of the funds collected under such proceedings.

Company to pay cost of proceedings.

Stay of collection, etc.

If the court finds that the net proceeds of any assessment or call will not be sufficient to furnish substantial relief to those having claims against the company, it may decree that no assessment shall be collected; and if, upon the application of the insurance commissioner or a member of the company, or of any person interested, the court is of opinion that further attempts to collect an assessment then partially collected will not benefit those having claims against the company, it may stay the further collection of said assessment.

Personal Liability of Officers.

Liability of officers.

SECTION 52. No director or other officer of a mutual fire insurance company shall either officially or privately give a guaranty to a policy holder thereof against an assessment to which he would otherwise be liable.

If the directors of any such company neglect or omit for six months to lay and collect with all practicable diligence any assessment they are required to make by the provisions of sections fifty and fifty-one of this act, they shall be personally liable for all debts and claims then

outstanding against the company, or that may accrue until such assessment is laid and put in process of collection. Liability of officers.

If the treasurer of such company unreasonably neglects to collect an assessment made by order of the directors, and to apply the same to the payment of the claims for which it was made, he shall be personally liable to the person having such claims for the amount of the assessment; and he may repay himself out of any money afterward received for the company on account of said assessment.

If sufficient property of any such company cannot be found to satisfy an execution issued against it, and it has property belonging to the period assessed, the proceeds of which can be applied to satisfy such execution, if the directors neglect to pay the same, or neglect for thirty days after the rendition of judgment to make an assessment and deliver the same to the treasurer for collection, or to apply such assessment when collected to the payment of the execution, they shall be personally liable for the amount of the execution.

If the directors of any such company are liable to pay an execution against it, the creditor may recover the same by a suit in equity or by an action at law against the directors. The director who pays an execution against the company for which he is personally liable may sue in equity for contribution any of the directors for their proportion, and also the company or the individual members thereof to the extent of their several liability to assessment therefor.

MUTUAL MARINE AND MUTUAL FIRE AND MARINE.

SECTION 53. A mutual marine insurance company organized under the provisions of this act shall have an agreement under the seal of each subscriber thereto, substantially as follows: Mutual marine companies, liability fund, etc.

The subscribers severally agree to pay to the Insurance Company on demand the whole or such part of the amounts set against our names as may be called from time to time for the use of said company in the payment of its losses and expenses not otherwise provided for.

Such company shall not issue policies until the amount of three hundred thousand dollars, which shall be the total Issue of policies, etc.

of such subscriptions, shall have been so subscribed, and a certificate signed by the president and a majority of the directors, certifying that the subscribers are known to them and that they believe them to be solvent and able to pay their subscriptions, has been deposited with and approved by the insurance commissioner. If a subscriber dies or becomes insolvent his subscription shall be cancelled, and if the amount of the subscription fund is thereby or otherwise reduced, the deficiency shall be made good by new subscriptions certified in the same manner as the original. Subscribers shall be entitled to annual dividends of two per cent upon the amount of their subscriptions from the profits of the company, and shall also be reimbursed from future profits for all amounts of money they may pay the company for its uses under their agreement, with lawful interest thereon.

Dividends,
etc.

Net profits to
be divided,
etc.

The net profits or divisible surplus of such companies shall be annually divided among the insured whose policies terminated within the year, in proportion to the contribution of each to such profits or surplus, and such dividends shall be made only in scrip certificates payable only out of the accumulation of net profits or surplus, which accumulation shall constitute and be kept and invested by the company as a separate fund in trust for the redemption of such scrip certificates and the contingent payment of losses and expenses as herein provided. Such certificates until redeemed shall be subject to future losses and expenses of the company and to be reduced if the redemption fund is drawn upon for the payment of such losses and expenses. But no part of the redemption fund shall be used for the payment of losses or expenses unless the cash assets of the company are insufficient therefor and except to the extent of the deficiency; and if any portion thereof shall be used for such payment, the outstanding certificates shall be reduced in proportion, so that the redemption fund shall at all times equal the amount of the unredeemed certificates. The net income of the redemption fund shall be divided annually among the holders of its certificates; or the company may make such certificates with a specific rate of interest payable from the income of its invested funds. As such profits accumulate and are invested, subscriptions of an equal amount shall be cancelled. The maximum of such accumulation of profits shall be three hundred thousand dollars, and all excess of profits above said amount shall

Limit of accu-
mulation of
profits.

be applied annually to the payment of the certificates in the order of their issue. The certificates shall be forthwith payable when the company shall cease to issue policies and the fund is no longer liable to be drawn upon for the payment of losses.

SECTION 54. A mutual marine and a mutual fire and marine insurance company organized prior to the twenty-first day of May in the year eighteen hundred and eighty-seven under any law of this commonwealth shall remain subject to the provisions applicable to each contained in sections one hundred and seventeen to one hundred and thirty, inclusive, of chapter one hundred and nineteen of the Public Statutes, notwithstanding the repeal of said chapter. Any such company may redeem its certificates of dividends of profits when its permanent fund has been paid in cash and invested and its surplus is sufficient for the purpose. The shareholders of the permanent fund of any such company shall be entitled to not more than five per cent semi-annual dividends thereon.

Certain provisions of the Public Statutes to apply, notwithstanding repeal, etc.

SECTION 55. All domestic mutual marine insurance companies shall be subject to the provisions of sections forty-three and forty-four, and each subscriber to the permanent fund, or agreement specified in section fifty-three, of any such company shall be a member thereof during the term of his subscription and entitled to one vote.

Subscribers to permanent fund, etc.

Personal Liability of Officers.

SECTION 56. If a subscriber to the permanent fund or agreement of a mutual marine or mutual fire and marine insurance company fails to pay his subscription or any assessment thereon, and it is proved that the president or a director certified falsely in regard to such subscriber, the person certifying shall be liable to the company for such amount as the subscriber fails to pay.

Liability of subscriber who fails to pay, etc.

If any such company is at any time liable for losses beyond the amount of its net assets the president and directors shall be personally liable for all losses on insurance effected while the company was in such condition.

Liability for losses beyond net assets.

FIRE INSURANCE.

SECTION 57. No insurance company shall knowingly issue any fire insurance policy upon property within this commonwealth for an amount which with any existing in-

Over-insurance prohibited.

insurance thereon exceeds the fair value of the property, nor for a longer term than seven years.

Liability for
fire losses
limited.

If buildings insured against loss by fire, and situated within this commonwealth, are totally destroyed by fire, the company shall not be liable beyond the actual value of the insured property at the time of the loss or damage; and if it shall appear that the insured has paid premiums on an amount in excess of said actual value, the assured shall be reimbursed the proportionate excess of premiums paid on the difference between the amount named in the policy and said actual value, with interest at six per cent per annum from the date of issue; and said excess of premiums and interest thereon shall be allowed the insured from the time any company or companies carrying said insurance at the time of the loss have continuously carried the insurance on the destroyed building or buildings, whether under policies existing at the time of the loss or under previous policies in the same company or companies.

Payment of
mortgages,
etc.

SECTION 58. If by an agreement with the insured or by the terms of a fire insurance policy taken out by a mortgagor the whole or any part of the loss thereon is payable to a mortgagee or mortgagees of the property or for their benefit, the company shall, upon satisfactory proof of the rights and title of the parties, in accordance with such terms or agreement, pay all mortgagees protected by such policy in the order of their priority of claim as their claim shall appear, not beyond the amount for which the company is liable, and such payment shall be to the extent thereof, payment and satisfaction of the liability of the company under such policy.

Statement in
application
not to be con-
sidered part of
contract, etc.

SECTION 59. In all insurance against loss by fire the conditions of insurance shall be stated in full, and neither the application of the insured nor the by-laws of the company shall be considered as a warranty or a part of the contract, except so far as they are incorporated in full in the policy.

Standard form
to be used,
except, etc.

SECTION 60. No fire insurance company shall issue fire insurance policies on property in this commonwealth, other than those of the standard form herein set forth, except as follows:

Name, loca-
tion, etc., of
company may

First, A company may print on or in its policies its name, location and date of incorporation, plan of opera-

tion, whether stock or mutual, and if the former, the amount of its paid-up capital stock, the names of its officers and agents, the number and date of the policy, and, if it is issued through an agent, the words "This policy shall not be valid until countersigned by the duly authorized agent of the company at _____", and, if a mutual company, may fix the contingent mutual liability of its members for payment of losses and expenses not provided for by its cash funds.

be printed on policy, etc.

Second, A company may print or use in its policies printed forms of description and specification of the property insured.

Printed forms, etc.

Third, A company insuring against damage by lightning may print, in the clause enumerating the perils insured against, the additional words "Also any damage by lightning, whether fire ensues or not", and, in the clause providing for an apportionment of loss in case of other insurance, the words "whether by fire, lightning or both."

Lightning clause, etc.

Fourth, A company incorporated or formed in this commonwealth may print in its policies any provisions which it is authorized or required by law to insert therein ; and any company not incorporated or formed in this commonwealth may, with the approval of the insurance commissioner, so print any provision required by its charter or deed of settlement, or by the laws of its own state or country, not contrary to the laws of this commonwealth ; but the insurance commissioner shall require any provision which, in his opinion, modifies the contract of insurance in such way as to affect the question of loss, to be appended to the policy by a slip or rider as hereinafter provided.

Sundry provisions.

Fifth, The blanks in said standard form may be filled in print or writing.

Blanks, how filled in.

Sixth, A company may print upon policies issued in compliance with the preceding provisions of this section the words "Massachusetts Standard Policy."

"Massachusetts Standard Policy" may be used.

Seventh. A company may write upon the margin or across the face of a policy, or write, or print in type not smaller than long primer, upon separate slips or riders to be attached thereto, provisions adding to or modifying those contained in the standard form ; and all such slips, riders and provisions must be signed by the officers or agent of the company so using them.

Other provisions.

Policy to be
plainly printed.

Said standard form of policy shall be plainly printed, and no portion thereof shall be in type smaller than long primer, and shall be as follows :

Standard form
of policy.

No.

§

(Corporate name of the company or association ; its principal place or places of business.)

This company shall not be liable beyond the actual value of the insured property at the time any loss or damage happens.

In consideration of _____ dollars to it paid by the insured, hereinafter named, the receipt whereof is hereby acknowledged, does insure _____ and _____ legal representatives against loss or damage by fire, to the amount of _____ dollars.

(Description of property insured.)

Property not
covered by
policy.

Bills of exchange, notes, accounts, evidences and securities of property of every kind, books, wearing apparel, plate, money, jewels, medals, patterns, models, scientific cabinets and collections, paintings, sculpture and curiosities are not included in said insured property, unless specially mentioned.

Term.

Said property is insured for the term of _____, beginning on the _____ day of _____, in the year nineteen hundred and _____, at noon, and continuing until the _____ day of _____, in the year nineteen hundred and _____, at

noon, against all loss or damage by FIRE originating from any cause except invasion, foreign enemies, civil commotions, riots, or any military or usurped power whatever ; the amount of said loss or damage to be estimated according to the actual value of the insured property at the time when such loss or damage happens, but not to include loss or damage caused by explosions of any kind unless fire ensues, and then to include that caused by fire only.

Matters void-
ing policy.

This policy shall be VOID if any material fact or circumstance stated in writing has not been fairly represented by the insured, — or if the insured now has or shall hereafter make any other insurance on the said property without the assent in writing or in print of the company, — or if, without such assent, the said property shall be removed, except that, if such removal shall be necessary for the preservation of the property from fire, this policy shall be valid without such assent for five days thereafter, — or if, without such assent, the situation or circumstances affecting the risk shall, by or with the knowledge, advice, agency or consent of the insured, be so altered as to cause an increase of such risks, or if, without such assent, the said property shall be sold, or this policy assigned, or if the premises hereby insured shall become vacant by the removal of the owner or occupant, and so remain vacant for more than thirty days without such assent, or if it be a manufacturing establishment, running, in whole or in part, extra time, except that such establishments may run, in whole or in part, extra hours not later than nine o'clock P.M., or if such establishments shall cease operation for more than thirty days without permission in writing indorsed hereon, or if the insured shall make any attempt to defraud the company either before or after the loss, — or if gunpowder or other articles subject to legal restriction shall be kept in quantities or manner different from those allowed or prescribed by law, — or if camphene, benzine, naphtha, or other chemical oils or burning fluids shall be kept or used by the insured on the premises insured, except that what is known as refined petroleum,

kerosene or coal oil, may be used for lighting, and in dwelling houses kerosene oil stoves may be used for domestic purposes, — to be filled when cold, by daylight, and with oil of lawful fire test only.

If the insured property shall be exposed to loss or damage by fire, the insured shall make all reasonable exertions to save and protect the same.

Protecting insured property.

In case of any loss or damage under this policy, a STATEMENT in writing, signed and sworn to by the insured shall be forthwith rendered to the company, setting forth the value of the property insured, the interest of the insured therein, all other insurance thereon, in detail, the purposes for which and the persons by whom the building insured, or containing the property insured, was used, and the time at which and manner in which the fire originated, so far as known to the insured. The company may also examine the books of account and vouchers of the insured, and make extracts from the same.

Statement by insured in case of loss.

In case of any loss or damage, the company, within sixty days after the insured shall have submitted a statement, as provided in the preceding clause, shall either pay the amount for which it shall be liable, *which amount if not agreed upon shall be ascertained by award of referees as hereinafter provided*, or replace the property with other of the same kind and goodness, — or it may, within fifteen days after such statement is submitted, notify the insured of its intention to rebuild or repair the premises, or any portion thereof separately insured by this policy, and shall thereupon enter upon said premises and proceed to rebuild or repair the same with reasonable expedition. It is moreover understood that there can be no abandonment of the property insured to the company, and that the company shall not in any case be liable for more than the sum insured, with interest thereon from the time when the loss shall become payable, as above provided.

Payment of loss to be made within sixty days after proof, unless, etc.

If there shall be any OTHER INSURANCE on the property insured, whether prior or subsequent, the insured shall recover on this policy no greater proportion of the loss sustained than the sum hereby insured bears to the whole amount insured thereon. And whenever the company shall pay any loss, the insured shall assign to it, to the extent of the amount so paid, all rights to recover satisfaction for the loss or damage from any person, town or other corporation, excepting other insurers; or the insured, if requested, shall prosecute therefor at the charge and for the account of the company.

Apportionment of loss in case of other insurance.

If this policy shall be made payable to a mortgagee of the insured real estate, no act or default of any person other than such mortgagee or his agents, or those claiming under him, shall affect such mortgagee's right to recover in case of loss on such real estate: *provided*, that the mortgagee shall, on demand, pay according to the established scale of rates for any increase of risks not paid for by the insured; and whenever this company shall be liable to a mortgagee for any sum for loss under this policy, for which no liability exists as to the mortgagor, or owner, and this company shall elect by itself, or with others, to pay the mortgagee the full amount secured by such mortgage, then the mortgagee shall assign and transfer to the companies interested, upon such payment, the said mortgage, together with the note and debt thereby secured.

Rights of parties in case policy is made payable to mortgagee. Proviso.

This policy may be CANCELLED at any time at the request of the insured, who shall thereupon be entitled to a return of the portion of the above premium remaining, after deducting the customary monthly short rates for the time this policy shall have been in force. The company also reserves the right, after giving written notice to the

Cancellation of policy.

insured and to any mortgagee to whom this policy is made payable, and tendering to the insured a ratable proportion of the premium, to cancel this policy as to all risks subsequent to the expiration of ten days from such notice, and no mortgagee shall then have the right to recover as to such risks.

Differences to be submitted to referees.

In case of loss under this policy and a failure of the parties to agree as to the amount of loss, it is mutually agreed that the amount of such loss shall be referred to three disinterested men, the company and the insured each choosing one out of three persons to be named by the other, and the third being selected by the two so chosen; the award in writing by a majority of the referees shall be conclusive and final upon the parties as to the amount of loss or damage, and such reference unless waived by the parties *shall be a condition precedent to any right of action in law or equity to recover for such loss*; but no person shall be chosen or act as a referee, against the objection of either party, who has acted in a like capacity within four months.

Suit or action to be commenced within two years.

No suit or action against this company for the recovery of any claim by virtue of this policy shall be sustained in any court of law or equity in this commonwealth unless commenced within two years from the time the loss occurred.

In witness whereof the said company has caused this policy to be signed by its president and attested by its secretary (or by such proper officers as may be designated), at their office in (date).

The word "noon" construed.

The word "noon", occurring in the standard form above set forth shall be construed to be the noon of standard time of the place where the property covered by the policy is situated.

Proceedings in case of failure to choose referees, etc.

In case of loss under any fire insurance policy, issued on property in this commonwealth in the standard form above set forth, and the failure of the parties to agree as to the amount of loss, the insurance company shall, within ten days after a written request to appoint referees under the provision for arbitration in such policy, name three men under such provision, each of whom shall be a resident of this commonwealth and willing to act as one of such referees, of whom the insured shall, within ten days after receiving said names, make known to the insurance company its choice of one of them to act as one of such referees; and such insurance company shall, within ten days after receiving the names of three men named by the insured under such provision, make known to the insured its choice of one of them to act as one of such referees. And in case of the failure of two referees chosen, respectively, by the insurance company and the insured, to agree upon and select within ten days from their appointment a third referee willing to act in said capacity, either of said referees or parties may within twenty days from the expiration of said ten days make written application, setting

forth the facts, to the insurance commissioner to appoint such third referee ; and said commissioner shall thereupon make such appointment and shall send written notification thereof to the parties. In every case of the appointment by the insurance commissioner of said third referee the insuring company or companies shall withhold from the amount of the award rendered one half of the compensation and expenses of said referee, and said company or companies shall thereupon pay to said referee the full amount of his compensation and expenses.

FIDELITY INSURANCE AND CORPORATE SURETY.

SECTION 61. A company organized under the provisions of this act or the corresponding provisions of earlier laws or chartered by any other state or government to transact fidelity insurance and corporate suretyship, and qualified to do business in this commonwealth, may make contracts of insurance to guarantee the fidelity of persons holding positions of trust in private or public employment or responsibility, and may, if accepted and approved by the court, magistrate, obligee or person competent to approve such bond, act as surety upon the official bond or undertaking in civil procedure of any person or corporation to the United States, to this commonwealth, or to any county, city, town, judge of probate and insolvency or other court, sheriff, magistrate or public officer, or to any corporation or association public or private ; and also may act as surety upon any bond or undertaking to any person or corporation or to the commonwealth conditioned upon the performance of any duty or trust or for the doing or not doing of anything in said bond specified, and upon bonds to indemnify against loss any person or persons who are responsible as surety or sureties upon a written instrument or otherwise for the performance by others of any office, employment, contract or trust. If by law two or more sureties are required upon any obligation such company is authorized to insure, it may act as sole surety thereon, and may be accepted as such by the court, magistrate or other officer or person authorized to approve the sufficiency of such bond or undertaking ; and so much of section nine of chapter one hundred and forty-nine of the Revised Laws as requires that sureties on bonds to a judge of probate shall be residents of the common-

Fidelity of persons may be insured.

Surety in certain cases, etc.

wealth shall not forbid the acceptance of a qualified foreign corporation as joint or sole surety on any such bond. A bond given by it under the provisions of section twenty-four of chapter one hundred and ten, section fifteen of chapter one hundred and thirteen or section seven of chapter one hundred and fourteen of the Revised Laws, shall be in a form approved by the commissioner of corporations or the bank commissioner, respectively, and an attested copy of such bond, with a certificate of the custodian that the original is in his possession, shall be filed with the commissioner concerned. No such company shall incur in behalf or on account of any one person, partnership, association or corporation a liability for an amount larger than one tenth of its net assets, unless it shall be secured from loss thereon beyond that amount by suitable and sufficient collateral agreements of indemnity, by deposit with it in pledge or conveyance to it in trust for its protection of property equal in value to the excess of its liability over such limit, or, if such liability is incurred in behalf or on account of a fiduciary holding property in a trust capacity, by such deposit or other disposition of a suitable and sufficient portion of the estate so held that no further sale, mortgage, pledge or other disposition can be made thereof without such company's approval, except by the decree of a court having proper jurisdiction; and if any foreign insurance company violates this provision, the insurance commissioner may revoke its authority to transact business in this commonwealth.

Limit of liability.

Sureties may covenant against loss in certain cases.

Any person, partnership, association or corporation holding property for the benefit of another, except when acting under wills allowed or trusts created before the twenty-fourth day of April in the year eighteen hundred and ninety-three, may make such covenants with the surety or sureties upon his official bond as shall enable such fiduciary to secure said surety or sureties from loss in any manner provided by this section; but if such fiduciary was appointed by the decree of any court within this commonwealth, the approval of such court shall first be obtained to such covenant. A copy of such covenant, duly acknowledged in the manner required for the acknowledgment of deeds of real estate, may be filed and recorded as follows: in the office of the clerk or register of the court in which said fiduciary obtained his appoint-

Record.

ment; if not appointed by the decree of court, in the manner provided by law for the record of deeds of real estate, if said covenant relates to real estate, or mortgages of personal property, if said covenant relates to personal property. Such record shall be notice to and binding on all persons.

SECTION 62. In no case shall the annual license of a company of the class designated in the previous section be renewed unless the company has on deposit with the treasurer and receiver general of this commonwealth, or with the proper officer or board of some other state, for the protection of all its policy holders in the United States, an amount not less than one hundred thousand dollars, which, if so on deposit in this commonwealth, shall not be returned to the company while it has any liabilities outstanding in this commonwealth, nor until the insurance commissioner has given his consent in writing to such return.

Renewal of license, etc.

TITLE INSURANCE.

SECTION 63. Companies organized under the tenth clause of section thirty-two shall not be subject to the provisions of this act except as regards the manner of their formation and as follows:

Exemption.

Any such corporation, before it shall issue any policy or make any contract of guaranty or insurance, shall file with the insurance commissioner a certified copy of the record of its certificate of its organization in the office of the secretary of the commonwealth, and shall obtain from the insurance commissioner his certificate that it has complied with the laws applicable to it and is authorized to do business.

Certificate required.

Every such corporation shall, on or before the fifteenth day of January of each year, file in the office of the insurance commissioner a statement such as he may require of its condition and of its affairs for the year ending on the preceding thirty-first day of December, signed and sworn to by its president or secretary or treasurer and one of its directors, and, for neglect to file such annual statements or for making a wilfully false statement, shall be liable to the same penalties as are imposed upon insurance companies. The insurance commissioner shall have the same power and authority to visit and examine such corporations as he has in the case of domestic insurance companies,

Annual statement, etc.

and the duties and liabilities of such corporations and their agents relative to such examination shall be the same as those of domestic insurance companies.

Guaranty fund.

SECTION 64. Every such corporation shall set apart an amount not less than two fifths of its capital, and not less than one hundred thousand dollars in any case, as a guaranty fund, and shall invest it subject to the same limitations as are imposed upon the investment of the capital of domestic insurance companies, and shall issue no policy and make no contract of guaranty or insurance until such amount is so set apart and invested.

Principal of guaranty fund to be a trust for protection of policy holders.

The principal of such guaranty fund shall be a trust for the protection of policy holders, and shall be applied only to the payment of losses and expenses incurred by reason of the guaranty or insurance contracts of the corporation. Whenever the corporation shall increase its capital, two fifths or a sufficient part of the increase shall be set apart and duly invested and added to the guaranty fund so that such fund shall always be not less in amount than two fifths of the entire capital.

Impairment of fund.

If, by reason of losses or other cause, the guaranty fund is less than two fifths of the capital, the company shall make no further contract of guaranty or insurance until the fund is made good.

Application of preceding sections.

SECTION 65. A company organized under the authority of chapter one hundred and eighty of the acts of the year eighteen hundred and eighty-four, section sixty-two of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven, section sixty-two of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four or the eleventh clause of section thirty-two of this act shall be subject to the provisions of the two preceding sections.

Examination of titles, etc.

Such companies may examine titles and furnish information relative to both personal property and real estate, and may insure owners of both real estate and personal property, and others interested therein, against loss by reason of encumbrances and defective titles.

LIFE INSURANCE.

Definition, etc.

SECTION 66. All corporations, associations, partnerships or individuals doing business in this commonwealth under any charter, compact, agreement or statute of this

or any other state, involving the payment of money or other thing of value to families or representatives of policy and certificate holders or members, conditioned upon the continuance or cessation of human life, or involving an insurance, guaranty, contract or pledge for the payment of endowments or annuities, shall be deemed to be life insurance companies, and shall not make any such insurance, guaranty, contract or pledge in this commonwealth, or to or with any citizen or resident thereof, which does not distinctly state the amount of benefits payable, the manner of payment and the consideration therefor, nor any such insurance, guaranty, contract or pledge, the performance of which is contingent upon the payment of assessments made upon survivors.

All life insurance business hereafter transacted by corporations which formerly issued policies or certificates on the assessment plan under chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety and acts in amendment thereof, shall be carried on in accordance with the provisions of this act; but such corporations may carry out in good faith their assessment contracts made with their members prior to the first day of July in the year eighteen hundred and ninety-nine.

Assessment
contracts.

SECTION 67. No life insurance company, after notice as provided in sections seven and nine, shall issue new policies under its authority to do business in this commonwealth until its funds have become equal to its liabilities and it has complied with the laws as provided in said sections, and has obtained from the insurance commissioner a certificate to that effect, with license to resume business.

Business to
cease after
notice.

SECTION 68. A company organized under the laws of any other of the United States for the transaction of life insurance may be admitted to do business in this commonwealth if it has the requisite funds of a life insurance company and, in the opinion of the commissioner, is in sound financial condition and has policies in force upon not less than one thousand lives for an aggregate amount of not less than one million dollars. Any such company organized under the laws of a state or government other than one of the United States, in addition to the above requirements, shall have and keep on deposit or in the hands of trustees, as provided in sections eighty-five and eighty-six, in exclusive trust for the security of its con-

Admission of
foreign life
companies.

tracts with policy holders in the United States, funds of an amount equal to the net value of all its policies in the United States and not less than two hundred thousand dollars.

Discrimina-
tions prohib-
ited.

SECTION 69. No life insurance company doing business in this commonwealth shall make or permit any distinction or discrimination in favor of individuals between insurants of the same class and equal expectation of life in the amount or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any such company or any agent thereof make any contract of insurance, or agreement as to such contract, other than as plainly expressed in the policy issued thereon; nor shall any such company or agent pay or allow, or offer to pay or allow as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefit to accrue thereon, or any valuable consideration or inducement not specified in the policy contract of insurance; or give, sell or purchase or offer to give, sell or purchase as inducement to insurance or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the policy.

Acceptance of
special favor
prohibited.

No person shall receive or accept from any company or agent, sub-agent, broker or any other person any such rebate of premium payable on the policy, or any special favor or advantage in the dividend or other benefits to accrue thereon, or any valuable consideration or inducement not specified in the policy of insurance. No person shall be excused from testifying or from producing any books, papers, contracts, agreements or documents at the trial of any other person charged with violation of any provision of this section, on the ground that such testimony or evidence may tend to incriminate, but no person shall be prosecuted for any act concerning which he shall be compelled to so testify or produce evidence documentary or otherwise, except for perjury committed in so testifying.

Discrimina-
tion on account
of color prohib-
ited.

SECTION 70. No life insurance company shall make any distinction or discrimination between white persons

and colored persons wholly or partly of African descent, as to the premiums or rates charged for policies upon the lives of such persons; nor shall any such company demand or require greater premiums from such colored persons than are at that time required by such company from white persons of the same age, sex, general condition of health and prospect of longevity, nor shall any such company make or require any rebate, diminution or discount upon the amount to be paid on such policy in case of the death of such colored person insured, nor insert in the policy any condition, nor make any stipulation whereby such person insured shall bind himself or his heirs, executors, administrators and assigns to accept any amount less than the full value or amount of such policy in case of a claim accruing thereon by reason of the death of such person insured, other than such as are imposed upon white persons in similar cases; and any such stipulation or condition so made or inserted shall be void.

Any such company which shall refuse the application of any such colored person for insurance upon such person's life shall furnish such person, on his request therefor, with the certificate of a regular examining physician of such company who made the examination, stating that such refusal was not because such applicant is a person of color, but solely upon such grounds of the general health and prospect of longevity of such person as would be applicable to white persons of the same age and sex.

Physician's certificate to be furnished in case of refusal to insure.

SECTION 71. No life insurance company organized under the laws of or doing business in this commonwealth shall enter into any contract of insurance upon lives within this commonwealth without having previously made or caused to be made a prescribed medical examination of the insured by a registered medical practitioner.

Medical examination.

Any insurance company violating the provisions of this section, or any officer, agent or other person soliciting or effecting, or attempting to effect, a contract of insurance contrary to the provisions hereof, shall be punished by a fine of not more than one hundred dollars for each offence.

Penalty.

SECTION 72. No domestic life insurance company shall reinsure its risks except by permission of the insurance commissioner; but may reinsure not exceeding one half of any individual risk.

Reinsurance, etc.

Rights of creditor and of beneficiary.

SECTION 73. If a policy of insurance is effected by any person on his own life, or on another life, in favor of a person other than himself having an insurable interest therein, the lawful beneficiary thereof, other than himself or his legal representatives, shall be entitled to its proceeds against the creditors and representatives of the person effecting the same; and the person to whom a policy of life insurance, issued subsequent to the eleventh day of April in the year eighteen hundred and ninety-four, is made payable may maintain an action thereon in his own name: *provided*, that, subject to the statute of limitation, the amount of any premiums for said insurance paid in fraud of creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy; but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payment, the company shall have written notice by or in behalf of a creditor, with specification of the amount claimed, claiming to recover for certain premiums paid in fraud of creditors. Every policy of life insurance made payable to or for the benefit of a married woman, or after its issue assigned, transferred or in any way made payable to a married woman, or to any person in trust for her or for her benefit, whether procured by herself, her husband or by any other person, and whether the assignment or transfer is made by her husband or by any other person, shall inure to her separate use and benefit, and to that of her children, subject to the provisions of this section relative to premiums paid in fraud of creditors and those of section eighty. In any claim arising under a policy which has been issued in this commonwealth by any life insurance company, without previous medical examination, or without the knowledge and consent of the insured, or, if said insured is a minor, without the consent of the parent, guardian or other person having legal custody of said minor, the statements made in the application as to the age, physical condition, and family history of the insured shall be held to be valid and binding upon the company; but the company shall not be debarred from proving as a defence to such claim that said statements were wilfully false, fraudulent or misleading. Every policy shall have attached thereto a correct copy of the application, and unless so attached the same

Proviso.

Policies to married women, etc.

Certain policies issued without medical examination to be valid.

Copy of application to be attached to

shall not be considered a part of the policy or received in evidence. certain policies.

A solicitor, agent, examining physician or other person who knowingly or wilfully makes a false or fraudulent statement or representation in or relative to any application for life insurance, or who makes any such statement for the purpose of obtaining a fee, commission, money or benefit in a corporation transacting such business under the provisions of this act, shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment; and a person who wilfully makes a false statement of any material fact or thing in a sworn statement as to the death or disability of a policy or certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury. Penalty for false statement, etc.

SECTION 74. No life insurance company doing business in this commonwealth, and no officer, director, solicitor or other agent thereof shall make, issue, circulate or cause to be made, issued or circulated any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by it or the benefits or advantages promised thereby, or the dividends or share of the surplus to be received thereon, or shall use any name or title of any policy or class of policies misrepresenting the true nature thereof. Misrepresentations to the assured prohibited.

No life insurance company transacting business under the provisions of this act shall issue a policy to a resident of this commonwealth which does not bear in bold letters upon its face a plain description of the policy, so fully defining its character, including dividend periods and other peculiarities, that the holder thereof shall not be liable to mistake the nature or scope of the contract. Terms of contract to be described on face of policy.

SECTION 75. On and after January first, nineteen hundred and eight, no policy of life or endowment insurance shall be issued or delivered in this commonwealth until a copy of the form thereof has been filed at least thirty days with the insurance commissioner; nor if the insurance commissioner notifies the company in writing within said thirty days that in his opinion the form of said policy does not comply with the requirements of the laws of this commonwealth, specifying his reasons for his Provisions for filing policies, etc.

opinion; provided that this action of the insurance commissioner shall be subject to review by the supreme court of this commonwealth; nor shall such policy, except policies of industrial insurance where the premiums are payable monthly or oftener, be so issued or delivered unless it contains in substance the following provisions:

Period of
grace.

1. A provision that the insured is entitled to a grace of thirty days within which the payment of any premium after the first year may be made, subject at the option of the company to an interest charge not in excess of six per cent per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in full force, but in case the policy becomes a claim during the said period of grace before the overdue premium or the deferred premiums of the current policy year if any are paid, the amount of such premiums, with interest on any overdue premium may be taken from the face of the policy in settlement.

Incontestable.

2. A provision that the policy shall be incontestable after two years from its date of issue except for non-payment of premiums and for engaging in military or naval service in time of war without the consent in writing of an executive officer of the company.

What constitutes a contract.

3. A provision that the policy and the application therefor shall constitute the entire contract between the parties and that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties and that no such statement shall be used in defence to a claim under the policy unless it is contained in a written application and a copy of such application shall be endorsed upon or attached to the policy when issued.

Misstatement
of age.

4. A provision that if the age of the insured has been understated the amount payable under the policy shall be such as the premium would have purchased at the correct age.

Annual
dividends.

5. A provision that the policy shall participate in the surplus of the company annually, beginning not later than the end of the third policy year.

Options in case
of default.

6. A provision specifying the options to which the policy holder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid.

7. A provision that not later than the third anniversary of the policy the holder of the policy shall, upon a proper assignment thereof to the company, be entitled to borrow of the company on the sole security of the policy a sum not more than ninety-five per cent of the cash surrender value thereof, less any indebtedness to the company, at a rate of interest not exceeding six per cent. Said provision shall include such other conditions as, in conformity to the laws of Massachusetts, the company will impose when the application for the loan is made. Loans.

8. A table showing in figures the loan values if any, and the options available under the policy each year upon default in premium payments, during at least twenty years of the policy, beginning with the year in which such values and options first become available. Table of values.

9. In case the proceeds of a policy are payable in instalments or as an annuity, a table showing the amounts of the instalment and annuity payments. Instalments.

10. A provision that the holder of a policy shall be entitled to have the policy reinstated at any time within three years from the date of default unless the cash value has been duly paid, or the extension period expired, upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at the rate of not exceeding six per cent per annum. Reinstatement.

Any of the foregoing provisions or portions thereof not applicable to single premium or non-participating or term policies shall to that extent not be incorporated therein, and paragraph seven shall not apply to foreign companies. Exceptions.

SECTION 76. Except as provided in this section, every domestic life insurance company heretofore or hereafter organized, anything in its charter or its certificate of incorporation or special act to the contrary notwithstanding, shall provide in every policy issued on or after the first day of January, nineteen hundred and eight, that the proportion of the divisible surplus of the company contributed by said policy shall be ascertained and distributed annually, and not otherwise, beginning not later than the end of the third policy year, but such distribution shall not be made contingent upon the payment of any further premium except that if dividends are allowed on Annual dividends.

Annual
dividends.

an anniversary of the policy preceding the third such dividends may be made subject to the payment of the succeeding year's premium. Every such company shall on December thirty-first of each year or as soon thereafter as may be practicable, after providing for the reserve required by the provisions of section eleven and for all other liabilities, including dividends declared upon the capital stock, if any, and such sum as may be held on account of existing deferred dividend policies and providing also for a contingency reserve not in excess of the limit prescribed in section seventy-seven, apportion its remaining funds upon the contribution to surplus plan, as dividends, to all other policies entitled to share therein. Each such dividend shall, annually, at the option of the holder of the policy, (a) be payable in cash, or (b) applied in reduction of premiums or (c) to the purchase of a paid-up addition, or (d) be left with the company to accumulate to the credit of the policy and shall be payable at the maturity thereof or be withdrawable in cash on demand by the holder of the policy or applied as hereinafter set forth, but if no election is made by the holder of the policy prior to any anniversary thereof the dividend for that anniversary shall be held by the company as provided in option (d) and if any premium on the policy is not paid at the expiration of the days of grace the company shall keep the policy in force by applying the dividend accumulations to the payment due on the policy, if such accumulations are sufficient to make said payment in full, and shall forthwith mail a notice to the holder thereof at his last known address, stating what amount has been so applied, and if a balance of the dividend accumulations remains to the credit of the policy, the amount thereof, provided that the share of the surplus so apportioned to a term policy shall not be available for the purchase of a paid-up addition, and provided that nothing herein contained shall operate to continue a policy in force beyond the period which any dividend accumulation so applied would carry the policy under its full premium rate, nor beyond the term for which the policy was originally issued, and that the affidavit of any officer, clerk or agent of the company, or of any one authorized to mail such notice, that the notice required by this section has been duly mailed by the company,

shall be presumptive evidence that such notice was duly given.

On policies on which the premiums are payable weekly the annual surplus distribution shall begin not later than the end of the fifth policy year and shall be applied to the payment of any premium or premiums, or at the option of the holder of the policy be made in cash, but such distribution shall not be made contingent upon the payment of future premiums.

Time on which annual surplus distribution shall begin on certain policies.

This section shall not apply to any stock life insurance company which on or after the first day of January, nineteen hundred and eight, shall issue only non-participating policies. Nor shall this section apply to pure endowment insurance issued or granted in exchange for lapsed or surrendered policies. A foreign life insurance company which shall not provide in every participating policy issued or delivered in this state on or after the first day of January, nineteen hundred and eight, that the proportion of the surplus accruing upon said policy shall be ascertained and distributed annually and not otherwise, either by payment in cash of the amount apportioned to a policy, or by its application to the payment of premiums or to the purchase of paid-up additions, or for the accumulation of the amounts from time to time apportioned, said accumulations to be subject to withdrawal by the policy holder, shall not be permitted to do new business within this commonwealth.

Not to apply to certain companies, etc.

SECTION 77. Any domestic life insurance company transacting business in this commonwealth may from its surplus funds or profits accumulate and hold, or hold if already accumulated, as a safety fund, an amount not in excess of twelve per cent of its reserve or one hundred thousand dollars, whichever is greater, and, in addition thereto any surplus that may have been contributed by the holders of the guaranty stock of the company, or which has been accumulated for the retirement of said guaranty stock and the margin of the market value of its securities over their book value, provided that in cases where the existing surplus or safety fund, exclusive of all accumulations held on account of existing deferred dividend policies, exceeds the limit above designated the company shall be entitled to retain said surplus or safety fund, but shall not be entitled to add thereto so long as it exceeds said

Safety fund.

limit, and provided that for cause shown, the insurance commissioner may at any time and from time to time permit any corporation to accumulate and maintain a safety fund in excess of the limit above mentioned, for a prescribed period not exceeding one year in any one permission, by filing in his office a decision stating his reasons therefor, and causing the same to be published in his next annual report.

This section shall not apply to any company hereafter issuing only non-participating policies.

Loans.

SECTION 78. After three full annual premiums have been paid on any policy of life or endowment insurance issued by a domestic insurance company after December thirty-first, nineteen hundred and seven, the holder thereof upon its proper assignment to the company shall, within thirty days of the application therefor, be entitled to a loan from the company on the sole security of the policy and, at not exceeding six per cent interest, of a sum not exceeding its loan value, which loan value shall be not less than ninety-five per cent of the cash value of the policy at the end of the policy year during which the application for the loan is made, and of all dividend additions thereto, less any indebtedness to the company and any unpaid portion of the premium for the then current policy year. Failure to repay any such loan or to pay interest thereon shall not avoid the policy while the total indebtedness thereon is less than such loan value at the time said default in payment occurs, nor until thirty days after notice has been mailed by the company to the last known address of the insured. The affidavit of any officer, clerk or agent of the company or of any one authorized to mail such notice, that the notice required by this section has been duly mailed by the company, shall be presumptive evidence that such notice was duly given. Nothing in this section shall require any company to make a loan upon any policy for less than twenty-five dollars.

This section shall not apply to term policies or those running under extension as provided in section eighty.

Certain policies subject to provisions of law limiting forfeiture, etc.

SECTION 79. All policies issued prior to the first day of January in the year nineteen hundred and eight by any domestic life insurance company shall be subject to the provisions of law limiting forfeiture which were applicable and in force at the date of their issue.

SECTION 80. After three full annual premiums have been paid on any policy of life or endowment insurance issued by a domestic insurance company after December thirty-first, nineteen hundred and seven, the holder thereof, within thirty days after any default in the payment of a subsequent premium, may elect, by a writing filed with the company at its home office, (a) to surrender the policy and, with the written assent of the person to whom it is made payable, receive its value in cash, or (b) take paid-up insurance which shall be participating if the policy is on a participating basis, payable at the same time and on the same conditions as in the original contract, or (c) have the insurance continued in force from the anniversary date last passed for its face amount including any outstanding dividend additions and less any indebtedness thereon, or secured thereby, but without the right to loans. The cash value shall be the reserve on the policy at the end of the last policy year for which the premium was paid in full, plus a proportionate part of the increase in the cash value at the end of the succeeding year if any instalment not less than a quarterly instalment of the premium for that year has been paid, and of any dividend additions thereto, computed on the mortality and interest assumption upon which the company elects to reserve as prescribed by the laws of this commonwealth, less a surrender charge of not more than five per cent of the present value of the future net premiums which by its terms the policy is exposed to pay in case of its continuance, computed upon the aforesaid mortality and interest basis, and less any existing indebtedness to the company on the policy or secured thereby. The company may reserve the right to defer the payment of such cash value for not exceeding sixty days after the application therefor is made. The term for which the policy will be continued or the amount of the paid-up policy will be such as the cash value will purchase as a net single premium at attained age of the insured according to the mortality and interest basis heretofore designated. If the holder shall not within thirty days from default surrender the policy to the company for cash as provided in option (a) or elect, by a writing filed with the company at its home office, to take extended insurance as provided in option (c) the insurance will be binding upon the company from the date of default without any further stipulation or act as provided in option (b). The paid-up or

Options in case of surrender of policy.

Options in case of surrender of policy.

extended insurance granted by the terms of the policy shall have a cash value which shall be its net value less any indebtedness to the company on account of such policy or secured thereby, and the holder thereof may, by giving a notice of sixty days and furnishing to the company the written assent of the person to whom the policy is payable, claim and receive in cash such surrender value at the date of the application therefor.

Every such policy which by its own terms has become paid-up shall have a cash surrender value which shall be its net value, less not more than five per cent of one net annual premium on a ten-payment life policy at the age of entry of the insured, and less any indebtedness to the company on such policy or secured thereby, and the holder of any such paid-up policy may surrender the same and claim and recover from the company within sixty days of the application therefor the surrender value in cash upon furnishing the company with the written assent of the person to whom the policy is payable.

On policies of prudential or industrial insurance on which the premiums are paid weekly and are not more than fifty cents each, the surrender value shall in all cases be payable in cash, which shall be a legal claim for not more than two years from the date of lapse and be payable within sixty days after the demand therefor. Within ninety days after the lapse of any policy which has a surrender value and upon which settlement has not been made, the company shall send a notice thereof to the last known address of the holder of said policy, which notice shall state the amount of the surrender value of said policy. The affidavit of any officer, clerk or agent of the company or any one authorized to mail such notice, that the notice required herein has been duly mailed by the company, shall be presumptive evidence that such notice was duly given.

Rights of Policy Holders in Domestic Life Companies.

Company not to issue participating and non-participating policies.

SECTION 81. On and after the first day of January, nineteen hundred and eight, no domestic mutual life insurance company, and no domestic stock life insurance company hereafter issuing or professing to issue any participating policies, shall issue any policies except annuities and pure endowment insurance granted in ex-

change for lapsed or surrendered policies, which do not by their terms give to the holders thereof full right to participate in the accumulations of said corporation, as provided in this act.

SECTION 82. Every person insured by a domestic mutual life insurance company shall be a member entitled to one vote, and one vote additional for each five thousand dollars of insurance in excess of the first five thousand dollars, and shall be notified of its annual meetings by written notice or by an imprint in the form prescribed in section forty-three upon the filing-back, or, in case of policies on which the premiums are payable monthly or oftener, on some other prominent place of each policy, and also upon receipts or certificates of renewal.

Insured a member of a mutual company.

Members may vote by proxies dated and executed within three months, and returned and recorded on the books of the company seven days or more before the meeting at which they are to be used; but no person shall, as attorney or otherwise, cast more than twenty votes, and no officer shall himself, or by another, ask for, receive, procure to be obtained or use a proxy vote.

Proxy voting.

Two thirds at least of the directors shall be citizens of this commonwealth, and after the first election members only shall be eligible; and no person shall be qualified to serve as director after the termination of his insurance in the company.

Two-thirds of directors to be citizens of the commonwealth, etc.

The stockholders of the guaranty capital of any such company shall be entitled to such annual dividends, not exceeding eight per cent, payable from the net surplus, as may have been agreed upon in the subscription thereof. Such guaranty capital shall be redeemed, by appropriation of net surplus for that purpose, whenever the net surplus is twice the amount of said guaranty capital.

Dividends.

Redemption of guaranty capital.

FOREIGN COMPANIES.

SECTION 83. Foreign insurance companies, upon complying with the conditions herein set forth applicable to such companies, may be admitted to transact in this commonwealth by constituted agents resident therein any class of insurance authorized by the laws of this commonwealth, subject to all general laws now or hereafter in force relative to insurance companies, and subject to all laws applicable to the transaction of such business by for-

Admission of foreign companies.

eign insurance companies and their agents; but no provision of law which by its terms applies specifically to domestic life insurance companies shall thereby become applicable to foreign life insurance companies.

Authority to
do business to
cease unless
renewed.

Beginning with the year nineteen hundred and eight the authority of any such foreign corporation to transact new business in this commonwealth shall cease on the thirtieth day of June of each year, unless such authority is renewed in writing by the insurance commissioner on or before that date.

Conditions of Admission of Foreign Companies.

Conditions of
admission.

SECTION 84. No foreign insurance company shall be so admitted and authorized to do business until—

Filing of copy
of charter, etc.,
with the in-
surance com-
missioner.

First, It has deposited with the insurance commissioner a certified copy of its charter or deed of settlement and a statement of its financial condition and business, in such form and detail as he may require, signed and sworn to by its president and secretary, or other proper officer, and has paid for the filing of such copy thirty dollars, and for the filing of such statement twenty dollars; and, if to transact the business of fire insurance, has filed in the office of the insurance commissioner a declaration signed and sworn to by its president and secretary, or officers corresponding thereto, that it will not reinsure any risk or part thereof taken by it on any property located in this commonwealth with any company not authorized to transact the business of fire insurance in this commonwealth, except as provided in section twenty.

Proof of
organization
and capital.

Second, It has satisfied the insurance commissioner that it is fully and legally organized under the laws of its state or government to do the business it proposes to transact; that it has, if a stock company, a fully paid up and unimpaired capital, exclusive of stockholders' obligations of any description, of an amount not less than is required of similar companies formed under the provisions of this act, and if a mutual company, other than life, that it has net cash assets equal to the capital required of like companies on the stock plan; or that it possesses net cash assets of not less than one hundred thousand dollars or net cash assets of not less than fifty thousand dollars, with also invested assets of not less than one hundred thousand dollars and, in each case, with

additional contingent assets of not less than three hundred thousand dollars, and that such capital or net assets are well invested and immediately available for the payment of losses in this commonwealth; and that it insures on any single hazard an amount no larger than one tenth of its net assets.

Third, It shall by a duly executed instrument filed in his office constitute and appoint the insurance commissioner or his successor its true and lawful attorney, upon whom all lawful processes in any action or legal proceeding against it may be served, and therein shall agree that any lawful process against it which may be served upon its said attorney shall be of the same force and validity as if served on the company, and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this commonwealth. The service of such process shall be made by leaving the same in duplicate in the hands or office of the commissioner. One of the duplicates of such instrument, certified by the commissioner as having been served upon him, shall be deemed sufficient evidence thereof, and service upon such attorney shall be deemed service upon the principal.

To appoint the insurance commissioner its attorney, etc.

Fourth, It has appointed as its agent or agents in this commonwealth some resident or residents thereof.

Resident agents.

Fifth, It has obtained from the insurance commissioner a certificate that it has complied with the laws of this commonwealth and is authorized to make contracts of insurance.

Certificate of authority.

SECTION 85. Such foreign company, if incorporated or associated under the laws of any government or state other than the United States or one of the United States, shall not be admitted until, besides complying with the conditions of the preceding section, it has made a deposit with the treasurer and receiver general or with the financial officer of some other state of the United States, of an amount not less than the capital required of like companies by sections thirty-two and thirty-four of this act. Such deposit must be in exclusive trust for the benefit and security of all the company's policy holders and creditors in the United States and may be made in the securities but subject to the limitations specified in section thirty-seven. Of such deposit an amount equal to the capital required of domestic companies by this act shall

Company of a foreign country to make a deposit.

be regarded as the deposit capital and treated in the company's statement the same as the stock capital of domestic companies, but the excess of any such deposit over the amount so required as deposit capital shall not be charged to the company as a liability for deposit capital.

May appoint
trustees, etc.

SECTION 86. Any admitted company of a foreign country may appoint trustees, who are citizens or corporations of the United States and approved by the insurance commissioner, to hold funds in trust for the benefit of its policy holders and creditors in the United States. Said trustees shall be named by the directors of the company, and a certified copy of the record of the appointment of such trustees and of the deed of trust shall be filed in the office of the insurance commissioner, who may examine such trustees and the assets in trust and all books and papers relative thereto in the same manner as he may examine the officers, agents, assets and affairs of insurance companies. The funds so held by such trustees, so far as the same are in securities, money or credits admissible as sound assets in the financial accounts of insurance companies, shall, with its deposits made in accordance with section eighty-five, constitute the assets of such company for the purpose of making its financial statements to the insurance commissioner.

Assets of the
company.

Revocation of
authority.

SECTION 87. The authority of a foreign insurance company may be revoked if it violates or neglects to comply with any provision of law obligatory upon it, and if, in the opinion of the insurance commissioner, its condition is unsound or its assets are less than its liabilities, inclusive of capital and policy liability, as computed in section eleven.

Fire Insurance in Unauthorized Companies.

Insurance by
unauthorized
companies.

SECTION 88. The insurance commissioner, upon the annual payment of twenty dollars, may issue licenses to citizens of this commonwealth, subject to revocation at any time, permitting the person named therein to procure policies of fire or bombardment insurance on property in this commonwealth in foreign insurance companies not authorized to transact business in this commonwealth. Before the person named in such license shall procure any insurance in such companies on any such property he shall in every case execute and file with the insurance commissioner an affidavit, which shall have force and

effect for one year only from the date thereof, that he is unable to procure, in companies admitted to do business as aforesaid, the amount of insurance necessary to protect said property, and shall only procure insurance under such license after he has procured insurance in companies admitted to do business as aforesaid to the full amount which said companies are willing to write on said property; but such licensed person shall not be required to file such affidavit if one relative to the same property has been filed within the preceding twelve months by any broker who has been licensed as authorized by this act, nor to offer any portion of such insurance to any company which is not possessed of cash assets amounting to at least twenty-five thousand dollars, nor to one which has within the preceding twelve months been in an impaired condition. Each person so licensed shall keep a separate account of the business done under the license, a certified copy of which account he shall forthwith file with the insurance commissioner, showing the exact amount of such insurance placed for any person, firm or corporation, the gross premium charged thereon, the companies in which the same is placed, the date of the policies and the term thereof, and also a report in the same detail of all such policies cancelled, and the gross return premiums thereon, and before receiving such license shall execute and deliver to the treasurer and receiver general a bond in the penal sum of two thousand dollars, with such sureties as the treasurer and receiver general shall approve, with a condition that the licensee will faithfully comply with all the requirements of this section, and will annually file with the treasurer and receiver general, in January, a sworn statement of the gross premiums charged for insurance procured or placed and the gross return premiums on such insurance cancelled under such license during the year ending on the thirty-first day of December last preceding, and at the time of filing such statement will pay into the treasury of the commonwealth an amount equal to four per cent of such gross premiums, less such return premiums so reported.

Insurance by
unauthorized
companies.

Miscellaneous Provisions.

SECTION 89. Foreign companies admitted to do business in this commonwealth shall make contracts of insurance upon lives, property or interests therein, only by

Licensed
resident
agents.

Policy not
invalidated
by war.

lawfully constituted and licensed resident agents. No policy of insurance issued to a citizen of this commonwealth by an authorized company organized under the laws of a foreign country shall be invalidated by the occurrence of hostilities between such foreign country and the United States. And no company shall directly or indirectly contract for or effect reinsurance of any risk in this commonwealth with any company not authorized to do business therein, except as provided in section twenty.

Reciprocal Obligations.

Conditions of
other states,

SECTION 90. If by the laws of any other state any taxes, fines, penalties, licenses, fees, deposits or other obligations or prohibitions, additional to or in excess of those imposed by the laws of this commonwealth upon foreign insurance companies and their agents, are imposed on insurance companies of this commonwealth and their agents doing business in such state, like obligations and prohibitions shall be imposed upon all insurance companies of such state and their agents doing business in this commonwealth so long as such laws remain in force.

LLOYDS.

Lloyds as-
sociations.

SECTION 91. Associations of individuals, citizens of the United States, whether organized within this commonwealth or elsewhere within the United States, formed upon the plan known as Lloyds — whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy — may be authorized to transact insurance other than life in this commonwealth, in like manner and upon the same terms and conditions as insurance companies of other of the United States.

AGENTS AND BROKERS.

Domestic
companies to
file name, etc.,
of agent.

SECTION 92. Every domestic insurance company shall file with the insurance commissioner the name and residence of each person it appoints or employs to act as its agent in this commonwealth, but the insurance commissioner may at any time thereafter, for cause shown, determine any person so appointed or employed to be unsuitable to act as such agent, and shall thereupon notify both the

company and the agent, so determined to be unsuitable, of his finding. Whoever shall assume to act as such agent, or, unless a licensed broker, shall in any manner for compensation aid in negotiating contracts of insurance on behalf of such corporation for a person other than himself, prior to the filing of such notice of appointment or after receiving notice of such finding of unsuitability, shall be subject to the penalties of section one hundred and twenty.

SECTION 93. Upon written notice by an authorized foreign insurance company of its appointment of a suitable person to act as its agent within this commonwealth, and the payment of two dollars, the insurance commissioner shall, if the facts warrant it, grant to such person a license, which shall state in substance that the company is authorized to do business in this commonwealth and that the person named therein is a constituted agent of the company for the transaction of such business as it is authorized to do in this commonwealth. All such licenses outstanding on July first, nineteen hundred and seven, shall continue in force until July first, nineteen hundred and eight, and by renewal thereof on the payment for such renewal of two dollars before the first day of July of each subsequent year, unless revoked by the commissioner for non-compliance with the laws or until the company, by written notice to the insurance commissioner, cancels the agent's authority to act for it. While such license remains in force the company shall be bound by the acts of the person named therein within his apparent authority as its acknowledged agent.

Licenses to agents of foreign companies, etc.

Every agent of a foreign insurance company shall annually, on or before the fifteenth day of October, make return to the tax commissioner of all business transacted by him as such agent during the year ending with the thirtieth day of September last preceding, in such form as the tax commissioner may prescribe; and all books, papers and accounts of his agency shall be open to the inspection of the tax commissioner at any time to enable him to verify the statements and transactions aforesaid. If such agent neglects or refuses to make such return, or refuses to submit the books, papers and accounts of his agency to such inspection, the tax commissioner shall report such neglect or refusal to the insurance commissioner, who shall thereupon cancel the license to such agent and make

Return to be made to tax commissioner.

publication thereof, and the license so cancelled shall not be renewed within one year thereafter; but only such agents shall be subject to this provision as are not required to make said returns to any other agent in this commonwealth for premiums received.

Authority of
agents, etc.

SECTION 94. An officer of a domestic insurance company, or a person appointed as its agent for that purpose, or acting without compensation, may, without other qualification, act in the negotiation and transaction with such company of any insurance which such company may lawfully do.

Insurance
broker,
license, etc.

SECTION 95. The insurance commissioner may, upon the payment of ten dollars, issue to any suitable person, resident in this commonwealth or resident in any other state granting brokers' licenses to residents of this commonwealth, a license to act as an insurance broker to negotiate contracts of insurance or reinsurance or place risks or effect insurance or reinsurance with any qualified domestic insurance company or its agents, and with the authorized agents in this commonwealth of any foreign insurance company duly admitted to do business in this commonwealth.

Term of
license, etc.

A broker's license shall remain in force for one year unless revoked by the commissioner for cause. The commissioner shall publish such revocation in such manner as he determines proper for the protection of the public.

Veterans
exempt from
payment of
fee for license.

No fee for such license shall be required of any soldier or sailor resident in this commonwealth who served in the army or navy during the war of the rebellion and who received an honorable discharge from such service, upon satisfactory evidence of the identity of such soldier or sailor.

Effect of pay-
ment to agent
or broker.

SECTION 96. An insurance agent or broker who acts for a person other than himself in negotiating a contract of insurance by an insurance company shall, for the purpose of receiving the premium therefor, be held to be the company's agent, whatever conditions or stipulations may be contained in the policy or contract. Such agent or broker who knowingly procures by fraudulent representations payment, or an obligation for the payment, of a premium of insurance, shall be punished by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment for not more than one year.

Penalty for
fraudulent
representa-
tion.

SECTION 97. An insurance agent shall be personally liable on all contracts of insurance unlawfully made by or through him, directly or indirectly, for or in behalf of any company not authorized to do business in this commonwealth.

Liability on unlawful contracts.

SECTION 98. Whoever, for compensation, not being the appointed agent or officer of the company in which any insurance or reinsurance is effected, acts or aids in any manner in negotiating contracts of insurance or reinsurance or placing risks or effecting insurance or reinsurance for a person other than himself, shall be an insurance broker, and no person shall act as such broker, except as provided in section ninety-five.

Insurance broker, etc.

A person not a duly licensed insurance broker, who for compensation solicits insurance on behalf of any insurance company, or transmits for a person other than himself an application for or a policy of insurance to or from such company, or offers or assumes to act in the negotiation of such insurance, shall be an insurance agent within the intent of this act, and shall thereby become liable to all the duties, requirements, liabilities and penalties to which an agent of such company is subject.

Insurance agents, etc.

DEPOSITS.

SECTION 99. The treasurer and receiver general in his official capacity shall take and hold in trust deposits made by any domestic insurance company for the purpose of complying with the laws of any other state to enable such company to do business in such state; and shall also in like manner take and hold any deposit made by a foreign insurance company under any law of this commonwealth. The company making such deposit shall be entitled to the income thereof, and may from time to time with the consent of the treasurer and receiver general, when not forbidden by the law under which the deposit is made, change in whole or in part the securities which compose the deposit, for other approved securities of equal par value.

Deposits of insurance companies to be held in trust.

Upon request of any domestic insurance company the treasurer and receiver general may return to such company the whole or any portion of the securities of such company held by him on deposit if he shall be satisfied that the securities so asked to be returned are subject to no liability and not required to be longer held by any pro-

Return of deposits.

vision of law or for the purpose of the original deposit. And he may return to the trustees or other representative authorized for that purpose of a foreign insurance company any deposit made by such company if it shall appear that such company has ceased to do business in this commonwealth and is under no obligation to policy holders or other persons in this commonwealth or in the United States for whose benefit such deposit was made.

Trust may be enforced, etc.

An insurance company which has made such deposit, or its trustees or resident manager in the United States, or the insurance commissioner, or any creditor of such company may at any time bring, in the supreme judicial court for the county of Suffolk, a suit in equity against the commonwealth and other parties properly joined therein to enforce, administer or terminate the trust created by such deposit. The process in such suit shall be served on the treasurer and receiver general, who shall appear and answer on behalf of the commonwealth and perform such orders and decrees as the court may make thereon.

RECEIVERS.

Compensation and accounts of receivers.

SECTION 100. The compensation of receivers of insolvent insurance companies shall be fixed by the supreme judicial court. All accounts rendered to the court by such receivers shall be referred to the insurance commissioner for his examination and report thereon.

Receiver to deposit unclaimed money in court, in certain cases, etc.

Such receivers, at the expiration of one year after final settlement ordered by the court, shall report to the court the names and residences, if known, of the persons entitled to money or dividends from the estate of such companies remaining in their hands uncalled for, with the amount due to each. The court shall thereupon order a notice to be given by the receivers and, upon the expiration of one year after the time of giving such notice, the receivers shall in like manner report the amounts still uncalled for. Unless cause shall appear for decreeing otherwise, such amounts shall then be ordered to be paid into the treasury of the commonwealth, and schedules signed by the receivers shall at the same time be deposited with the treasurer and receiver general and auditor, setting forth the decree of the court and the names and residences, so far as known, of the persons or parties entitled thereto, alphabetically arranged, and the amount due to each. The auditor shall

forthwith cause notice of such deposit to be mailed to such persons, and, upon certification by him that a claimant is entitled to any part of said deposit, it shall be paid in the same manner as other claims against the commonwealth. Upon the payment into the treasury of the commonwealth of such unclaimed money or dividends by the receiver, and the allowance by the court of his final account, or at the expiration of one year after the final settlement ordered by the court, if he then has in his hands no unclaimed money or dividends, he shall deposit with the insurance commissioner all books and papers of such company, including those relative to his receivership, which shall be preserved by the commissioner.

ANNUAL STATEMENTS.

SECTION 101. Every insurance company shall annually, on or before the fifteenth day of January, file in the office of the insurance commissioner a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year, and its business of that year. For cause the commissioner may extend the time within which any such statement may be filed, but not to a date later than the first day of March. But a life insurance company shall not be required to file that part of its annual statement known as the Gain and Loss Exhibit until May first next succeeding.

Annual statements.

Such annual statement shall be in the form required by the insurance commissioner. He shall embody therein, so far as appropriate to the several companies, the substance of the forms provided for in this section, with any additional inquiries he may require for the purpose of eliciting a complete and accurate exhibit of the condition and transactions of the companies. The assets and liabilities shall be computed and allowed in such statement in accordance with the rules stated in section eleven. Such statement shall be subscribed and sworn to by the president and secretary, or, in their absence, by two of its principal officers. The insurance commissioner may at other times require any such statements as he may deem necessary.

Form of statement.

Life insurance companies having both industrial and ordinary policies outstanding shall make two annual statements of receipts and disbursements, one of which shall cover the industrial department and the other the ordinary department; but the aggregate income and disbursements

Separation of industrial and ordinary policies, etc.

of each department may be carried into its appropriate account in the statement of the other department, and the assets and liabilities of the company shall be so entered in both statements that each shall show the company's entire assets and liabilities. The insurance commissioner may make such further rules as he shall deem necessary for carrying out as completely as possible the separation of accounts intended by this section.

Companies
of foreign
countries.

The annual statement of a company of a foreign country shall embrace only its business and condition in the United States, and shall be subscribed and sworn to by its resident manager or principal representative in charge of its American business.

Fee for filing.

For filing each annual statement each foreign company shall pay to the commonwealth twenty dollars.

New business
prohibited on
failure to file
statement.

The transaction of any new business by any company or its agents which has failed to file a statement in the manner herein provided shall, after notice to that effect from the insurance commissioner, be unlawful while such default continues.

Contents of
annual state-
ment.

The annual statement made to the insurance commissioner, pursuant to this section or other provisions of law, shall at least include the substance of that required by the following forms:—

FORM A.—FIRE, MARINE, AND FIRE AND MARINE INSURANCE COMPANIES.

Stock companies, except United States branches of companies of foreign countries. 1. Name of company. 2. Location of home office. 3. Date of incorporation. 4. Date on which the company commenced business. 5. Names of officers and directors. 6. Amount of paid-up capital. 7. Amount of ledger assets December thirty-one of the previous year.

Income.—8. Gross and net premiums on policies written or renewed. 9. Gross amount received from interest and rents. 10. Gross profit on the sale or maturity of ledger assets. 11. Gross increase in the book value of ledger assets. 12. Income from all other sources.

Disbursements.—13. Gross and net amounts paid policy holders for losses. 14. Dividends to stockholders. 15. Commissions or brokerage. 16. Salaries of officers and employees. 17. Rents. 18. Repairs and expenses on real estate. 19. Taxes on real estate. 20. Insurance department fees and taxes. 21. Gross loss on the sale or maturity of ledger assets. 22. Gross decrease in the book value of ledger assets. 23. All other disbursements.

Assets.—24. Book and market value of real estate owned. 25. Amount loaned on mortgages on real estate. 26. Loans secured

by pledge of collateral. 27. Book and market value of stocks and bonds owned. 28. Cash in the company's office and in bank. 29. Agents' balances, stating separately the amount of the same which represents business written prior to October one next preceding the date of the statement. 30. Bills receivable. 31. Interest and rents due and accrued. 32. All other assets. From the assets of the company there shall be deducted : (a) company's stock owned and loans on the same ; (b) agents' balances representing business written prior to October one ; (c) bills receivable past due taken for marine, inland and fire risks ; (d) loans on personal security ; (e) the excess of the book value of ledger assets over the market value ; (f) and such other items as the commissioner may deem expedient.

Contents of
annual state-
ment.

Liabilities. — 33. Gross and net unpaid losses and claims. 34. Unearned premiums. 35. Borrowed money and interest thereon. 36. All liabilities, including the paid-up capital. 37. Surplus over all liabilities. 38. Surplus to policy holders.

The exhibit of risks and premiums shall show the gross amount of the risks in force on the thirty-first day of the preceding December, the amount of the risks written or renewed, the amount terminated, the amount re-insured and the amount in force on the thirty-first day of December of the year covered by the statement and the gross premiums on all of the risks mentioned herein.

FORMS B AND C. — MUTUAL COMPANIES AND UNITED STATES BRANCHES OF COMPANIES OF FOREIGN COUNTRIES.

The form of return required from mutual fire insurance companies and from the United States branches of fire insurance companies of foreign countries, and from all other companies except life and those reporting under chapters one hundred and nineteen and one hundred and twenty of the Revised Laws, shall be the same as outlined above, with such modifications as the commissioner may deem necessary to make the foregoing form applicable to the business of such companies.

FORM D. — LIFE INSURANCE COMPANIES.

1. Name of company. 2. Location of home office. 3. Date of incorporation. 4. Date on which the company commenced business. 5. Names of officers and directors. 6. Amount of paid-up capital. 7. Amount of ledger assets December thirty-one of the previous year.

Income. — 8. First year's premiums on original policies. 9. Renewal premiums. 10. Gross amount received from interest and rents. 11. Gross profit on sale or maturity of ledger assets. 12. Gross increase in the book value of ledger assets. 13. Income from all other sources.

Disbursements. — 14. Gross and net amounts paid for losses. 15. Annuities involving life contingencies. 16. Premium notes voided by lapse. 17. Surrender values paid in cash. 18. Surrender values applied to payment of new and renewal premiums. 19. Surrender values applied to the purchase of paid-up insurance and annuities.

Contents of
annual state-
ment.

20. Dividends paid policy holders in cash. 21. Dividends applied to pay renewal premiums. 22. Dividends applied to purchase paid-up additions and annuities. 23. Investigation of claims. 24. Amount paid on claims on supplementary contracts not involving life contingencies. 25. Dividends to stockholders. 26. Commissions and bonuses to agents. 27. Commuted renewal commissions. 28. Salaries and allowances to agents and agencies. 29. Agency supervision. 30. Medical examiners' fees. 31. Inspection of risks. 32. Salaries and all other compensation of officers. 33. Rents. 34. Advertising, printing, stationery and postage. 35. Legal expenses. 36. Furniture, fixtures and safes. 37. Insurance taxes, license and department fees. 38. Taxes on real estate. 39. Repairs and expenses on real estate. 40. Gross loss on sale or maturity of ledger assets. 41. Gross decrease in book value of ledger assets. 42. All other disbursements.

Assets. — 43. Book and market value of real estate owned. 44. Amount loaned on mortgages on real estate. 45. Loans secured by pledge of collateral. 46. Loans made to policy holders on the company's policies assigned as collateral. 47. Book and market value of stocks and bonds owned. 48. Deposits in trust companies and banks on interest. 49. Deposits in trust companies and banks not on interest. 50. Cash in company's office. 51. Agents' balances. 52. Bills receivable. 53. Interest and rents due and accrued. 54. Gross and net uncollected and deferred premiums. 55. All other assets. From the assets of the company there shall be deducted: (a) company's stock owned, and loans on the same; (b) supplies, stationery, printed matter, furniture, fixtures and safes; (c) commuted commissions; (d) agents' debit balances; (e) cash advanced to or in the hands of officers or agents; (f) loans on personal security; (g) bills receivable; (h) premium notes and loans on policies, and net premiums in excess of the net value of their policies; (i) the excess of the book value of ledger assets over the market value; (j) and such other items as the commissioner may deem expedient.

Liabilities. — 56. Net present value of all outstanding policies in force, which shall show the basis of the computation, and the amount of liability upon each basis, if more than one is used. 57. Net value of risks reinsured. 58. Net reserve. 59. Present value of amounts not yet due on supplementary contracts not involved in life contingencies. 60. Liability on policies cancelled and not included in the net reserve upon which a surrender value may be demanded. 61. Claims for death losses due and unpaid. 62. Claims for death losses in process of adjustment. 63. Claims for death losses reported, on which no proofs have been received. 64. Claims for matured endowments due and unpaid. 65. Claims for death losses, and other policy claims resisted by the company. 66. The amount due on annuity claims involving life contingencies. 67. Amount due on supplementary contracts not involved in life contingencies. 68. Premiums paid in advance. 69. Interest and rents paid in advance. 70. Commissions due agents on premium notes when paid. 71. Cost of collecting uncollected and deferred premiums in excess of the loading thereon. 72. Commissions to agents due or accrued. 73. Salaries, rents, office expenses and miscellaneous bills and accounts due or accrued. 74. Medical exam-

iners' and legal fees due or accrued. 75. State, county and municipal taxes due or accrued. 76. Borrowed money and interest thereon. 77. Dividends or other profits due policy holders, including those contingent on outstanding and deferred premiums. 78. Dividends declared or apportioned, payable to policy holders during the next calendar year, whether contingent upon the payment of renewal premiums or otherwise, under annual dividend policies. 79. Dividends declared or apportioned, payable to policy holders during the next calendar year under deferred dividend policy contracts. 80. Amounts set apart, apportioned, provisionally ascertained, calculated, declared, or held awaiting apportionment upon deferred dividend policies. 81. Reserve or surplus funds not otherwise included in liabilities. 82. All other liabilities, including the paid-up capital. 83. Surplus.

Contents of
annual state-
ment.

The annual statements of all insurance companies shall contain schedules furnishing the following and such additional information as the commissioner may require, all of which shall be arranged in such form as he may deem expedient.

SCHEDULE OF REAL ESTATE.

Part I. — Containing an itemized exhibit of the real estate owned, and which shall show: 1. Quantity, dimensions and locations of lands, with the size and description of buildings, and the nature of the incumbrances on the property, if any. 2. The date acquired. 3. Name of vendor. 4. Amount of incumbrances. 5. The actual cost to the company, including cost of acquiring title, and, if the property was acquired by foreclosure, such costs shall include the amounts expended for taxes, repairs and improvements prior to the date on which the company acquired the title. 6. The book value. 7. The market value. 8. The increase and the decrease in the book value during the year. 9. The gross rental, gross expenditures for repairs and expenses, the net income on each piece of property for each of the last three years, and if any portion of the property is occupied by the company for its own use, the rental value thereof.

Part II. — Containing an itemized exhibit of the real estate acquired during the year, which shall show: 1. Quantity, dimensions and location of lands, with size and description of buildings, and nature of incumbrances, if any. 2. Date of purchase. 3. Name of vendor. 4. Cost to the company. 5. Book value.

Part III. — Containing an itemized exhibit of all real estate sold during the year, which shall show: 1. Quantity, dimensions and location of lands, size and description of buildings, with nature of incumbrances, if any. 2. Date of sale. 3. Name of purchaser. 4. Consideration. 5. Cost to the company. 6. Book value at time of sale. 7. Profit and loss on same.

SCHEDULE OF MORTGAGES.

Contents of
annual state-
ment.

Containing an itemized exhibit of the mortgage loans on real estate, which shall show: 1. The company's number of the mortgage. 2. The year in which the mortgage was given. 3. The year in which it matures. 4. The record of the mortgage, showing the county, book and page. 5. Amount of principal unpaid. 6. Date on which the interest is due and the rate per annum. 7. Amount of interest past due. 8. Amount of interest accrued. 9. Value of lands mortgaged. 10. Value of buildings. 11. Amount of insurance held by the company on the buildings. 12. Location and description of the property.

SCHEDULE OF COLLATERAL LOANS.

Containing an itemized exhibit of the loans on collateral securities, which shall show: 1. Name of the borrower. 2. Date, maturity, and rate of interest on the loan. 3. Description of collateral. 4. Par value of collateral. 5. Market value of collateral. 6. Rate used to obtain market value. 7. Amount loaned thereon. 8. All substitutions of collateral during the year.

SCHEDULE OF BONDS AND STOCKS.

Part I. — Containing an itemized account of the bonds owned, which shall show: 1. Description of the security. 2. Year of maturity and option. 3. Rate of interest and how paid. 4. Cost to the company. 5. Book value. 6. Increase and decrease in the book value during the year. 7. Par value. 8. Market value. 9. Rate used to obtain the market value. 10. Interest due and accrued.

Part II. — Containing an itemized exhibit of the stocks owned, which shall show: 1. The number of shares of each stock owned. 2. Description of the security. 3. Rate of dividend in each of last three years. 4. Cost to the company. 5. Book value. 6. Increase and decrease in the book value during the year. 7. Par value. 8. Market value. 9. Rate used to obtain the market value.

Part III. — Containing an itemized exhibit of the stocks and bonds acquired during the year, which shall show: 1. Date acquired. 2. Name of vendor. 3. Cost to the company. 4. Book value of the same. 5. Par value.

Part IV. — Containing an itemized exhibit of the stocks and bonds disposed of during the year, which shall show: 1. Date of sale. 2. Name of purchaser. 3. Consideration. 4. Par value. 5. Cost to the company. 6. Book value at date of sale. 7. Profit or loss on the same during the year.

In addition to the schedules herein required, every life insurance company shall furnish:—

Schedule showing the largest balance carried in each bank or trust company during each month of the year covered by the statement.

Schedule showing all death claims resisted or compromised dur-

ing the year covered by the statement, and all death claims resisted on December thirty-one of said year, with the reasons for contesting or resisting said claims.

Contents of annual statement.

Schedule showing the salaries, compensation and emoluments, of whatever amount, received during the year covered by the statement by the officers and directors, and when said compensation or emoluments amounted to more than five thousand dollars, that received by any person, firm or corporation.

Schedule containing a gain and loss exhibit, which shall show the sources of the increase and the decrease in the surplus of the company during the year covered by the statement.

Schedule showing the rates of annual dividends paid during the year covered by the statement, and the annual premiums per one thousand dollars of insurance at ages twenty-five, thirty-five, forty-five and fifty-five, at date of issue, for each kind and plan of insurance.

Schedule showing the rates of dividends paid during the year covered by the statement upon deferred dividend policies completing their dividend periods during said year, and the annual premiums per one thousand dollars of insurance at ages twenty-five, thirty-five, forty-five and fifty-five, for each kind and plan of insurance.

Schedule showing the amounts set apart, apportioned or provisionally ascertained or calculated during the year covered by the statement, or held awaiting apportionment on policies with deferred dividend periods longer than one year, and the annual premiums per one thousand dollars of insurance at ages twenty-five, thirty-five, forty-five and fifty-five, on each kind of policy issued.

Schedule showing the unlisted assets held by the company on December thirty-one of the year covered by the statement, and which are not entered in said statement, which schedule shall show : 1. Description of the property. 2. Date acquired. 3. Date dropped from the statement. 4. Cost to the company. 5. Par value. 6. Market value when dropped. 7. Market value December thirty-one of the year covered by the statement. 8. Reasons for dropping the same.

MUNICIPAL BUILDINGS INSURANCE FUNDS.

SECTION 102. Any city or town which has accepted the provisions of chapter one hundred and ninety-one of the acts of the year nineteen hundred and five or accepts the provisions of this and the three following sections may establish and maintain a municipal building insurance fund, from which any municipal buildings or other municipal property damaged or destroyed by fire, lightning or otherwise, may be repaired, rebuilt or replaced by other buildings or property to be used in lieu thereof.

Cities and towns may establish municipal building insurance funds.

SECTION 103. Any such city or town may raise money for the purposes set forth in the preceding section, not

May raise money, etc.

exceeding in amount in any one year one twentieth of one per cent of its assessed valuation ; but no money shall be raised for such purpose while the amount of the fund equals or exceeds one per cent of such valuation.

Management,
etc., of fund.

SECTION 104. The fund established under this act by any city or town shall be managed and administered as provided in section fifteen of chapter twenty-seven of the Revised Laws, by the sinking fund commissioners thereof, if such there be, or by any municipal board of commissioners or trustees having charge of its trust or sinking fund ; and if in any such city or town such commissioners or trustees have not been established sinking fund commissioners shall be elected in the manner provided in section fourteen of chapter twenty-seven of the Revised Laws.

Acceptance of
act.

SECTION 105. The provisions of the three preceding sections may be accepted by any city by a concurrent vote of both branches of the city council, and by any town by a majority of the voters present and voting thereon at a meeting duly called for that purpose.

PENALTIES.

Complainant
entitled to one
half of fine in
certain cases.

SECTION 106. The person, if other than the insurance commissioner or his deputy, upon whose complaint a conviction is had for violation of the law prohibiting insurance in or by foreign companies not authorized to do business in this commonwealth, shall be entitled to one half of the fine recovered upon sentence therefor.

Penalty for
negotiating
unlawful
contracts.

SECTION 107. A person who assumes to act as an insurance agent or insurance broker without license therefor as herein provided, or who acts in any manner in the negotiation or transaction of unlawful insurance with a foreign insurance company not admitted to do business in this commonwealth, or who, as principal or agent, violates any provision of this act relative to the negotiation or effecting of contracts of insurance, shall be punished for each offence by a fine of not less than one hundred nor more than five hundred dollars.

— for unlawful
acts of licensed
person.

SECTION 108. A person licensed under the provisions of section eighty-eight, who procures or acts in any manner in the procurement or negotiation of insurance in any unauthorized foreign company, and who neglects to make and file the affidavit and statements required by said sec-

tion, or who wilfully makes a false affidavit or statement, shall forfeit his license and be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 109. A company or an agent thereof who issues or circulates advertisements in violation of the provisions of section eighteen shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Penalty for failure to publish liabilities with assets.

SECTION 110. A company which neglects to make and file its annual statement in the form and within the time provided by section one hundred and one shall forfeit one hundred dollars for each day during which such neglect continues, and, upon notice by the insurance commissioner to that effect, its authority to do new business shall cease while such default continues. For wilfully making a false annual or other statement required by law, an insurance company and the persons making oath to or subscribing the same shall severally be punished by a fine of not less than five hundred nor more than five thousand dollars. A person who makes oath to such false statement shall be guilty of perjury.

— for neglect to make annual statement.

SECTION 111. For making any reinsurance in violation of the provisions of section twenty an insurance company and the agent effecting or acting in the negotiation of such reinsurance shall severally be punished by a fine of five hundred dollars.

— for making reinsurance in violation of law

SECTION 112. An insurance company which insures upon a single risk a larger amount than the law permits shall be punished by a fine of five hundred dollars.

— for over-insurance.

SECTION 113. An officer or agent of a life insurance company who, after notice by the commissioner, issues a new policy, in violation of the provisions of section sixty-seven, shall forfeit not more than one thousand dollars for each offence.

— for issue of life policy after notice of impairment.

SECTION 114. An insurance company or agent who makes, issues or delivers a policy of fire insurance in wilful violation of the provisions of section sixty shall forfeit not less than fifty nor more than two hundred dollars for each offence; but such policy shall be binding upon the company issuing the same.

— for issue of fire policy other than standard form.

SECTION 115. A director or other officer of a mutual fire insurance company who officially or privately gives a guaranty to a policy holder thereof against an assess-

— for unlawful guaranty to policy holder.

ment for which such policy holder is liable shall be punished by a fine of not more than one hundred dollars for each offence.

Penalty for unlawful use of proxy.

SECTION 116. A paid officer or agent of a domestic mutual insurance company who asks for, receives or procures to be obtained or uses a proxy to vote in violation of the provisions of section forty-three or section eighty-two shall be punished by a fine of not less than one hundred nor more than three hundred dollars for each offence.

— for obstructing commissioner, etc.

SECTION 117. Whoever, without justifiable cause, neglects, upon due summons, to appear and testify before the commissioner as provided in section six, and whoever obstructs the commissioner, his deputy or examiner, in his examination of an insurance company, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

— for discrimination in color.

SECTION 118. A life company or an officer or agent thereof who violates any of the provisions of section seventy shall be punished for each offence by a fine of not more than one hundred dollars.

— for establishing unauthorized foreign agencies.

SECTION 119. A domestic fire insurance company which establishes an agency or appoints an agent or other person to solicit or transact business for it in a state in which such corporation has not been lawfully authorized to transact business or which pays or allows a commission or emolument to any person within such state, for the solicitation or procurement of insurance upon property therein, shall be punished by a fine of not less than three hundred dollars.

— for other violations of law.

SECTION 120. Whoever violates any provision of this act, the penalty whereof is not specifically provided for herein, shall be punished by a fine of not more than five hundred dollars.

Enforcement of certain obligations.

SECTION 121. Compliance with the provisions of section ninety as to deposits, obligations and prohibitions, and the payment of taxes, fines, fees and penalties by and upon foreign insurance companies, may be enforced in the ordinary course of equity procedure by information brought in the supreme judicial court by the attorney general at the relation of the insurance commissioner.

Agent or broker to be deemed guilty

An insurance agent or broker who acts in negotiating a contract of insurance by an insurance company lawfully

doing business in this commonwealth, and who embezzles or fraudulently converts to his own use, or with intent to use or embezzle, takes, secretes or otherwise disposes of, or fraudulently withholds, appropriates, lends, invests or otherwise uses or applies any money or substitute for money received by him as such agent or broker, contrary to the instructions or without the consent of the company for or on account of which the same was received by him, shall be deemed guilty of larceny.

of larceny in certain cases.

SECTION 122. Chapter one hundred and eighteen of the Revised Laws and amendments thereof; chapter three hundred and forty of the acts of the year nineteen hundred and two; chapters one hundred and seventy-four, two hundred and twenty-three and four hundred and twenty-one of the acts of the year nineteen hundred and three; chapters two hundred and forty and three hundred and four of the acts of the year nineteen hundred and four; chapters one hundred and ninety-one, two hundred and eighty-seven and four hundred and one of the acts of the year nineteen hundred and five; and chapter three hundred and ninety-six and section seven of chapter two hundred and seventy-one of the acts of the year nineteen hundred and six, are hereby repealed; provided that the repeal of section seventy-six of said chapter one hundred and eighteen of the Revised Laws shall not take effect until the first day of January in the year nineteen hundred eight.

Repeal.

SECTION 123. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not revive any law heretofore repealed or superseded; it shall not affect any act done, liability incurred, or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted, to enforce any right or penalty or punish any offence under the authority of the repealed laws; and any person who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof.

Provisions of act construed.

SECTION 124. Except as otherwise provided herein this act shall take effect thirty days after its passage.

When to take effect.

Approved June 28, 1907.

Chap. 577

AN ACT TO PROVIDE FOR ONE DAY'S REST IN SEVEN.

Be it enacted, etc., as follows:

Employees to be allowed one day's rest in every seven days.

SECTION 1. Except in cases of emergency or except at the request of the employee, it shall not be lawful for any person, partnership, association or corporation to require an employee engaged in any commercial occupation, or in the work of any industrial process, or in the work of transportation or communication, to do on the Lord's day the usual work of his occupation, unless such employee is allowed during the six days next ensuing twenty-four consecutive hours without labor.

Not to authorize work on the Lord's day which is not now authorized by law, and not to apply to certain employees.

SECTION 2. This act shall not be construed as authorizing any work on the Lord's day not now authorized by law; nor as applying to farm or personal service, to druggists, to watchmen, to superintendents or managers, to janitors, or to persons engaged in the transportation, sale or delivery of milk, food or newspapers.

Penalty.

SECTION 3. Whoever violates the provisions of this act shall be punished by a fine of not more than fifty dollars for each offence.

When to take effect.

SECTION 4. This act shall take effect on the first day of October in the year nineteen hundred and seven.

Approved June 28, 1907.

Chap. 578

AN ACT RELATIVE TO THE TAXATION OF FOREIGN CORPORATIONS.

Be it enacted, etc., as follows:

1903. 437, § 75, amended.

SECTION 1. Section seventy-five of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three is hereby amended by striking out the words "one hundredth", in the sixth line, and inserting in place thereof the words: — one fiftieth, — and by striking out the words "it may deduct from such tax the amount of taxes upon property paid by it to any city or town in the Commonwealth during the preceding year, and", in the eighth, ninth, tenth and eleventh lines, so as to read as follows: — *Section 75.* Every foreign corporation of the classes described in section fifty-eight shall, in each year, at the time of filing its annual certificate of condition, pay to the treasurer and receiver general, for the use of the Commonwealth, an excise tax to be assessed

Taxation of foreign corporations.

by the tax commissioner of one fiftieth of one per cent of the par value of its authorized capital stock as stated in its annual certificate of condition; but the amount of such excise tax shall not in any one year exceed the sum of two thousand dollars.

SECTION 2. This act shall take effect on the first day of May in the year nineteen hundred and eight. When to take effect.

Approved June 28, 1907.

AN ACT RELATIVE TO THE TERMS OF OFFICE AND SALARIES OF ASSESSORS, EXCEPT IN THE CITY OF BOSTON.

Chap. 579

Be it enacted, etc., as follows:

SECTION 1. Each assessor in every city and town of the Commonwealth, except in the city of Boston, shall be elected or appointed to hold office for the term of three years and until his successor is duly elected or appointed: *provided*, that where the number of assessors is fixed at three, there shall be elected or appointed one for a term of three years, one for a term of two years, and one for a term of one year; where the number is fixed at five, there shall be elected or appointed one for a term of one year, two for the terms of two years and two for the terms of three years; where the number of assessors is seven, there shall be elected or appointed two for terms of one year, two for terms of two years and three for terms of three years; where the number of assessors is nine, there shall be elected or appointed three for terms of one year, three for terms of two years and three for terms of three years; and annually thereafter there shall be elected or appointed one, two or three for terms of three years, as the term of office of one, two or three expires. But this proviso shall not apply to cities and towns in which the three year term for assessors is already established. Election and terms of office of assessors, except in the city of Boston.
Proviso.

SECTION 2. This act shall take effect on the first day of January in the year nineteen hundred and eight. When to take effect.

Approved June 28, 1907.

AN ACT RELATIVE TO AUTOMOBILES AND MOTOR CYCLES.

Chap. 580

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three, as amended by section two of chapter three hundred 1903, 473. § 1, etc., amended.

Registration
of automobiles
and motor
cycles.

Fee for
registration.

Certificate of
registration.

Record of
applications
and certificates
to be kept

and eleven of the acts of the year nineteen hundred and five, and by section eight of chapter four hundred and twelve of the acts of the year nineteen hundred and six, is hereby further amended by inserting after the word "cycles" in the first line, the words: — except ambulances and fire engines, — by inserting after the word "registered", in the first and second lines, the word: — annually, — by adding at the end of the third sentence the words: — for each motor cycle and five dollars for each automobile, — and by adding at the end of the section the words: — The registration of every automobile or motor cycle shall expire upon the first day of January in each year, — so as to read as follows: — *Section 1.* All automobiles and motor cycles except ambulances and fire engines shall be registered annually by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the Massachusetts highway commission or any agent thereof designated for this purpose, upon blanks prepared under its authority. The application shall, in addition to such other particulars as may be required by said commission, contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars for each motor cycle and five dollars for each automobile. The said commission or its duly authorized agent shall then register, in a book to be kept for the purpose, the automobile or motor cycle described in the application, giving to such automobile or motor cycle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor cycle, and shall be in such form and contain such further provisions as the commission may determine. A proper record of all applications and of all certificates issued shall be kept by the commis-

sion at its main office, and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor cycle described therein. Upon the transfer of ownership of any automobile or motor cycle, its registration shall expire and the person in whose name such vehicle is registered shall immediately return the certificate of registration to the Massachusetts highway commission with a written notice containing the date of such transfer of ownership and the name, place of residence and address of the new owner. The Massachusetts highway commission, at its discretion, may assign to any person who so surrenders his registration certificate and who desires to register another automobile or motor cycle the distinguishing number or mark described in the surrendered certificate. No number or number plate other than those prescribed by the Massachusetts highway commission in its certificates of registration shall be displayed on any automobile or motor cycle operated in this Commonwealth: *provided, however*, that any automobile or motor cycle owned by a non-resident of this state who has complied with the laws relative to motor vehicles and the operation thereof of the state in which he resides may be operated by such owner on the roads and highways of this state for a period not exceeding seven days without the license, certificate of registration and number plates furnished by the Massachusetts highway commission. Every such vehicle shall have displayed upon it the distinguishing number or mark of the state in which the owner thereof resides and none other until the vehicle is registered in accordance with the provisions of this section. The registration of every automobile or motor cycle shall expire upon the first day of January in each year.

Proviso.

SECTION 2. Section two of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three, as amended by section three of chapter three hundred and eleven of the acts of the year nineteen hundred and five, is hereby further amended by striking out the word "ten", in the last line, and inserting in place thereof the word: — fifteen, — so as to read as follows: — *Section 2.* Every manufacturer of or dealer in automobiles or motor cycles may, instead of registering each automobile

1903, 473, § 2, etc., amended.

Distinguishing numbers or marks may be issued to manufacturers and dealers, etc

or motor cycle owned or controlled by him, make application upon a blank provided by said commission for a general distinguishing number or mark, and said commission may, if satisfied of the facts stated in said application, grant said application, and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form and containing such further provisions as said commission may determine; and all automobiles and motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such certificate of registration shall be fifteen dollars.

Registration
fee.

1903, 473, § 12,
amended.

Fees to be
paid into the
treasury
monthly, etc.

SECTION 3. Section twelve of said chapter four hundred and seventy-three of the acts of the year nineteen hundred and three is hereby amended by striking out the said section and inserting in place thereof the following new section:—*Section 12.* The fees received under the provisions of this act shall be paid monthly by the secretary of the highway commission into the treasury of the Commonwealth; and the said fees, together with all other fees received by the said commission under the laws of this Commonwealth relating to the use and operation of automobiles and motor cycles, shall be used for such expenses as may be authorized by the general court to carry out the provisions of law regulating the use and operation of automobiles and motor cycles, and the balance of said fees shall be credited by the treasurer and receiver general to a fund which shall be called the Highway Maintenance Fund. An amount not exceeding three fourths of said fund and appropriated therefrom by the general court shall be expended in each year for the maintenance and repair of state highways, and an amount not exceeding one fourth of said fund and appropriated therefrom by the general court shall be expended in each year for the maintenance and repair of boulevards of the metropolitan park system.

Validity of
registration.

SECTION 4. The registration of any automobile and of any motor cycle now in force, unless the same shall expire by the transfer of ownership of such automobile or motor

cycle, shall continue to be valid under all provisions of law relating thereto until the first day of August in the year nineteen hundred and seven, on which day any registration heretofore made shall expire.

SECTION 5. This act shall take effect upon its passage.

Approved June 28, 1907.

AN ACT TO PROHIBIT THE PUBLICATION OF UNSIGNED POLITICAL ADVERTISEMENTS AND THE MAKING, BY CERTAIN CORPORATIONS, OF POLITICAL CONTRIBUTIONS.

Chap. 581

Be it enacted, etc., as follows:

SECTION 1. No person shall publish or cause to be published in a newspaper or other periodical, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure, or defeat any candidate for public office unless the name of the chairman or secretary or the names of two officers of the political or other organization inserting the same, or the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any, appear therein in the nature of a signature. Such matter inserted in reading columns shall be preceded or followed by the word "Advertisement" in a separate line, in type not smaller than that of the body type of the newspaper or other periodical.

Prohibiting publication of unsigned political advertisements, etc.

SECTION 2. No person shall pay the owner, editor, publisher, or agent of a newspaper or other periodical to induce him editorially to advocate or oppose any candidate for public office or political principle; and no such owner, editor, publisher, or agent shall accept such payment. This provision shall not apply to the outright purchase of such newspaper or periodical.

Publisher, etc., of newspaper not to receive payment for advocating election of candidate for office, etc.

SECTION 3. No corporation carrying on the business of a bank, trust, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, or any company having the right to take or condemn land or to exercise franchises in public ways granted by the Commonwealth or by any county, city or town, and no trustee or trustees owning or holding the majority of the stock of such a corporation, shall pay or contribute in order to aid, promote, or prevent the nomination or election of any person to public office, or in order to aid, promote or

Certain corporations prohibited from making political contributions, etc.

antagonize the interests of any political party, or to influence or affect the vote on any question submitted to the voters. No person shall solicit or receive such payment or contribution from such corporation or such holders of stock.

Penalty.

SECTION 4. Any corporation which violates any provision of this act shall be punished by a fine of not more than ten thousand dollars, and any officer, director or agent of a corporation violating any provision of this act, who authorized such violation, or any person who violates, or in any way knowingly aids or abets the violation of, any provision of this act, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year.

When to take effect.

SECTION 5. This act shall take effect on the first day of October in the year nineteen hundred and seven.

Approved June 28, 1907.

Chap. 582 AN ACT TO MAKE UNIFORM THE LAW OF WAREHOUSE RECEIPTS.

Be it enacted, etc., as follows:

PART I.

THE ISSUE OF WAREHOUSE RECEIPTS.

Law of Warehouse Receipts.

SECTION 1. (1) In this act, unless the context or subject-matter otherwise requires: —

Certain terms defined.

“Action” includes counter claim, set-off and suit in equity.

“Delivery” means voluntary transfer of possession from one person to another.

“Fungible goods” means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

“Goods” means chattels or merchandise in storage, or which has been or is about to be stored.

“Holder” of a receipt means a person who has both actual possession of such receipt and a right of property therein.

“Order” means an order by indorsement on the receipt.

“Owner” does not include mortgagee or pledgee.

“Person” includes a corporation or partnership, or two or more persons having a joint or common interest.

To “purchase” includes to take as mortgagee or as pledgee.

“Purchaser” includes mortgagee and pledgee.

“Receipt” means a warehouse receipt.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

“Warehouseman” means a person lawfully engaged in the business of storing goods for profit.

(2) A thing is done “in good faith” within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

SECTION 2. Warehouse receipts may be issued by any warehouseman. Issue of warehouse receipts.

SECTION 3. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms:— To embody certain terms.

(a) The location of the warehouse in which the goods are stored;

(b) The date of issue of the receipt;

(c) The consecutive number of the receipt;

(d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order;

(e) The rate of storage charges;

(f) A description of the goods or of the packages containing them;

(g) The signature of the warehouseman, which may be made by his authorized agent;

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

A warehouseman shall be liable to any person injured thereby for all damage caused by the omission from a negotiable receipt of any of the terms herein required.

Terms and conditions.

SECTION 4. A warehouseman may insert in a receipt, issued by him any other terms and conditions, provided that such terms and conditions shall not:—

(a) Be contrary to the provisions of this act;

(b) In any wise impair his obligation to exercise that degree of care in the safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Non-negotiable receipt.

SECTION 5. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Negotiable receipt.

SECTION 6. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt, is a negotiable receipt.

No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.

Duplicate receipts.

SECTION 7. When more than one negotiable receipt is issued for the same goods, the word “duplicate” shall be plainly placed upon the face of every such receipt except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value, supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Non-negotiable receipt to be plainly marked, etc.

SECTION 8. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it “non-negotiable”, or “not negotiable.” In case of the warehouseman’s failure so to do, a holder of the receipt who purchased it for value, supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities which he would have incurred had the receipt been negotiable.

PART II.

OBLIGATIONS AND RIGHTS OF WAREHOUSEMEN UPON THEIR RECEIPTS.

SECTION 9. A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with:—

Obligation of warehouseman.

(a) An offer to satisfy the warehouseman's lien;

(b) An offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

SECTION 10. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is:—

Justification of warehouseman.

(a) The person lawfully entitled to the possession of the goods, or his agent;

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper; or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been indorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

SECTION 11. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods

Liability for wrong delivery of goods.

if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section, and though he delivered the goods as authorized by said subdivisions, he shall be so liable if prior to such delivery he had either:—

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery; or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Negotiable
receipts must
be cancelled,
etc.

SECTION 12. Except as provided in section thirty-five, when a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Same subject.

SECTION 13. Except as provided in section thirty-five, when a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

Altered
receipts.

SECTION 14. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was:—

(a) Immaterial;

(b) Authorized; or

(c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt as they were before alteration.

Material and fraudulent alteration of a receipt shall not

excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

SECTION 15. In case a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction, and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

Lost or
destroyed
receipts.

The delivery of the goods under an order of the court, as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value, without notice of the proceedings or of the delivery of the goods.

SECTION 16. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Duplicate
receipts.

SECTION 17. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Liability of
warehouse-
man.

SECTION 18. If more than one person claim the title or possession of the goods, the warehouseman may, either as a defence to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

Proceedings in
case more than
one person
claims title to
goods, etc.

Warehouseman to have reasonable time to determine validity of claims.

SECTION 19. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim, or to bring legal proceedings to compel all claimants to interplead.

Action for failure to deliver goods.

SECTION 20. Except as provided in the two preceding sections and in sections ten and thirty-seven, no right or title of a third person shall be a defence to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Liability of warehouseman in certain cases.

SECTION 21. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods, or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Liability for loss or injury, etc.

SECTION 22. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise; but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Goods must be kept separate.

SECTION 23. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and re-delivery of the goods deposited.

SECTION 24. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Fungible goods may be mingled with other goods, etc.

SECTION 25. The warehouseman shall be liable severally to each depositor for the care and re-delivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

Liability for care, etc., of goods.

SECTION 26. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by trustee process or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Goods not subject to attachment in certain cases.

SECTION 27. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Rights of creditor in certain cases.

SECTION 28. Subject to the provisions of section thirty, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooperating and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

What claims are included in warehouseman's lien.

SECTION 29. Subject to the provisions of section thirty, a warehouseman's lien may be enforced:—

Enforcement of liens.

(a) Against all goods, whenever deposited, belonging to

the person who is liable as debtor for the claims in regard to which the lien is asserted; and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if such person had been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

How lien may
be lost.

SECTION 30. A warehouseman loses his lien upon goods:—

(a) By surrendering possession thereof; or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

Receipt must
state charges
for which lien
is claimed.

SECTION 31. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage and preservation of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated, so far as they are within the terms of section twenty-eight although the amount of the charges so enumerated is not stated in the receipt.

Goods need not
be delivered
until lien is
satisfied.

SECTION 32. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Collection of
charges.

SECTION 33. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

Satisfaction
of lien by
sale, etc.

SECTION 34. A warehouseman's lien for a claim which has become due may be satisfied as follows:—

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:—

(a) An itemized statement of the warehouseman's claim,

showing the sum due at the time of the notice and the date or dates when it became due; Satisfaction
of lien by
sale, etc.

(b) A brief description of the goods against which the lien exists;

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days after the delivery of the notice if it is personally delivered, or after the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail; and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall be held not less than fifteen days after the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold, any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the

sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment, if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon; otherwise, the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Perishable
and hazardous
goods, etc.

SECTION 35. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability or explosive nature will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods and to remove them from the warehouse; and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

Other methods
of enforcing
lien.

SECTION 36. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property, nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Effect of sale,
etc.

SECTION 37. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

PART III.

NEGOTIATION AND TRANSFER OF RECEIPTS.

SECTION 38. A negotiable receipt may be negotiated by delivery: — Negotiation and transfer of receipts, etc.

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer; or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer, or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person; and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

SECTION 39. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner. Same subject.

SECTION 40. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. Same subject.

A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

SECTION 41. A negotiable receipt may be negotiable: —

(a) By the owner thereof; or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

SECTION 42. A person to whom a negotiable receipt has been duly negotiated acquires thereby: — Title acquired in certain cases.

(a) Such title to the goods as the person negotiating

the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value; and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Same subject.

SECTION 43. A person to whom a receipt has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the receipt is non-negotiable, such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Same subject.

SECTION 44. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Guaranty given
by persons
transferring
receipt, etc.

SECTION 45. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants:—

(a) That the receipt is genuine;

(b) That he has a legal right to negotiate or transfer it;

(c) That he has knowledge of no fact which would impair the validity or worth of the receipt; and

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

SECTION 46. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfil their respective obligations.

Indorser of receipt not liable in certain cases.

SECTION 47. A mortgagee, pledgee or holder for security of a receipt, who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt, or the quantity or quality of the goods therein described.

Holder of a receipt need not warrant its genuineness, etc.

SECTION 48. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

Validity of negotiation of a receipt, etc.

SECTION 49. Where a person having sold, mortgaged or pledged goods which are in a warehouse, and for which a negotiable receipt has been issued, or having sold, mortgaged or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale or other disposition thereof to any person receiving the same in good faith, for value, and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Subsequent negotiation.

SECTION 50. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transit shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's

Rights of purchaser of negotiable receipt.

claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or be justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

PART IV.

CRIMINAL OFFENCES.

Penalty for
issue of receipt
for goods not
received.

SECTION 51. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a receipt, knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be punished for each offence by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

— for issue of
receipt con-
taining false
statement.

SECTION 52. A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods, knowing that it contains any false statement, shall be punished for each offence by imprisonment for a term not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

— for issue of
duplicate
receipts not
so marked.

SECTION 53. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate", except in the case of a lost or destroyed receipt after proceedings as provided for in section fifteen, shall be punished for each offence by imprisonment for a term not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

— for issue of
warehouse-
man's goods
receipts which
do not state
the fact of
ownership.

SECTION 54. When there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents or servants, who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be punished for each offence by imprisonment for a term not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

SECTION 55. A warehouseman, or any officer, agent or servant of a warehouseman, who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections fifteen and thirty-seven, be punished for each offence by imprisonment for a term not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Penalty for delivery of goods without obtaining negotiable receipt.

SECTION 56. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive, and without disclosing his want of title or the existence of the lien or mortgage, shall be punished for each offence by imprisonment for a term not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

— for negotiation of receipt for mortgaged goods.

PART V.

INTERPRETATION.

SECTION 57. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy or other invalidating cause, shall govern.

Rules of law and equity, etc., to govern cases not provided for in this act.

SECTION 58. This act shall be so interpreted and construed as to accomplish its general purpose to make uniform the law of those states which enact it.

Interpretation of act.

SECTION 59. The provisions of this act shall not apply to receipts made and delivered prior to the taking effect of this act.

Not to apply to existing receipts.

SECTION 60. This act may be cited as the Warehouse Receipts Act.

Warehouse Receipts Act.

SECTION 61. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 62. This act shall take effect on the first day of October, nineteen hundred and seven.

When to take effect.

Approved June 28, 1907.

Chap. 583 AN ACT TO INCORPORATE THE ECONOMIC LIFE ASSURANCE SOCIETY.

Be it enacted, etc., as follows:

Economic Life
Assurance
Company in-
corporated.

SECTION 1. Henry H. Bosworth, Arthur C. Harvey and Edwin F. Lyford, their associates and successors, are hereby made a corporation by the name of the Economic Life Assurance Society, to be located in the city of Springfield, for the purpose of making insurance on lives and of paying annuities; and said corporation is hereby granted all the powers, rights and privileges and is made subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to domestic life insurance corporations and not inconsistent with this act.

Capital stock.

SECTION 2. The corporation shall have a paid-up cash capital of two hundred thousand dollars, divided into shares of one hundred dollars each, all of which shall be subscribed and paid for in cash before the corporation shall be authorized to begin business.

Surplus.

SECTION 3. In addition to the subscription and payment of the capital stock as provided in the preceding section, each person subscribing for the stock shall at the same time subscribe and pay for in cash, as a part of the original surplus of said corporation, fifty dollars for each share of stock subscribed and paid for, and the amount of all such additional payments shall constitute the original surplus of the corporation.

Directors,
election,
terms, etc.

SECTION 4. At the first meeting of the corporation eight directors, a majority of whom shall be residents of Massachusetts, shall be chosen by the subscribers to the capital stock, who shall hold office for one year and until their successors are chosen and qualified. Thereafter the number of directors shall be as provided in the by-laws, but not less than eight, one half of whom shall be chosen by the stockholders and the other half by the policy holders voting in separate bodies. No person shall be eligible to election as a director unless he is a stockholder or a policy holder of the corporation, and on ceasing to be such, he shall cease to hold such office. After the retirement of the capital stock of the corporation, as provided in this act, all directors shall be chosen by the policy holders.

Payment of
dividends, etc.

SECTION 5. The corporation may declare and pay annually or semi-annually from its surplus cash dividends to

its stockholders, at a rate to be fixed in the agreement of association, but not more than seven per cent per annum on the amount of its unretired capital and paid-in surplus, and if the dividends in any one year are less than as afore-said, the difference may be made up in any subsequent year or years from surplus accumulations; but no such dividend shall be declared or paid unless the surplus of the corporation, after paying or providing for the payment of such dividend, shall exceed one hundred thousand dollars.

SECTION 6. When the admitted assets of the corporation on the thirty-first day of December in any one year, after deducting all liabilities, including the capital stock, and after providing for dividends to stockholders in accordance with the provisions of the preceding section, and after providing for the distribution to policy holders of not more than seventy-five per cent of the surplus accruing from the savings from mortality and from interest earned in excess of the amount necessary to maintain the reserve, shall exceed one hundred and fifty thousand dollars, the amount in multiples of one thousand dollars in excess of one hundred thousand dollars shall within three months be applied, first, to the retirement of the original surplus contributed by the stockholders, and secondly, after the retirement of the original surplus contributed by the stockholders, to the retirement of the capital stock; but nothing contained in this act shall be construed to authorize or permit the retirement of either the original surplus or the capital stock in such a manner as to reduce the surplus over all liabilities to an amount less than one hundred thousand dollars.

Retirement of
capital stock,
etc.

SECTION 7. The corporation shall issue policies on acceptable risks approximating the sums of two hundred and fifty dollars, five hundred dollars, seven hundred and fifty dollars and one thousand dollars, and for such other amounts as may be authorized by the board of directors; and premiums on all policies shall, at the request of the insured, be payable in monthly instalments.

Issue of
policies, etc.

SECTION 8. Said corporation may, with or without medical inspection, sell old age incomes, payable annually, or otherwise, as may be agreed upon. The annuitant shall be entitled to the proceeds of such contract to an amount not exceeding one thousand dollars per annum against his creditors and their representatives, if the same is not payable until the annuitant reaches the age of sixty or

May sell old
age incomes.

Proviso.

more years: *provided, however*, that subject to the statute of limitations the amount, with interest, of any premiums paid for such contract in fraud of creditors shall inure to their benefit from the proceeds of the contract. But the corporation shall be discharged from all liability by payment of such annuity in accordance with its terms, unless before such payment the corporation receives written notice from or in behalf of a creditor, with specifications of the amount claimed, seeking to recover for certain specified premiums paid in fraud of creditors.

Not to employ agents to solicit business, etc.

SECTION 9. The corporation shall not make house to house collections nor shall it appoint or employ agents paid on a commission basis to solicit business in person, but it may establish offices and adopt means for securing applications for insurance and for the deposit of premiums and annuity payments at convenient places and times, and may appoint suitable persons as correspondents to receive such applications and payments, notice of whose appointment if to act in this Commonwealth shall be sent forthwith by the corporation to the insurance commissioner, to be recorded, and such correspondents shall be subject to the provisions of law relating to insurance agents. But if a policy holder in the corporation effects the insurance on other persons therein and his sole compensation for such service is either a flat or percentage allowance credited by the corporation on premiums on his own insurance therein issued for a term of not less than twenty years, or on a life annuity of which the first payment is deferred for not less than ten years, the name of such policy holder need not so be filed with the insurance commissioner, but he shall otherwise be subject to the laws of the Commonwealth relating to insurance agents: *provided, however*, that no credit shall be allowed in any one year on a policy in excess of the annual premiums for two years.

Proviso.

Not to do business until the insurance commissioner has issued certificate authorizing it to do so.

SECTION 10. The corporation shall issue no policy or contract of insurance or annuity until the insurance commissioner has ascertained that its capital and surplus have been paid in and that it has otherwise complied with the provisions of this act and of the general insurance laws applicable thereto, nor until it has obtained from the commissioner a certificate to that effect, authorizing it to issue policies.

Approved June 28, 1907.

AN ACT RELATIVE TO THE USE OF PUBLIC STREETS IN THE CITY OF BOSTON FOR THE STORAGE AND SALE OF MERCHANDISE. *Chap. 584*

Be it enacted, etc., as follows:

SECTION 1. The board of street commissioners of the city of Boston may issue, under the conditions hereinafter provided and under rules of its own not inconsistent herewith, licenses for the use of specified parts of public streets in said city for the storage and sale of merchandise.

Use of public streets in Boston for storage and sale of merchandise.

SECTION 2. A person seeking such a license shall file with said board a written application therefor, stating his name, age, occupation, residence and place of business, if any, and whether or not he is a citizen of the United States or has declared his intention to become such. He shall describe accurately in writing, by plan or otherwise, the location, the shape and the dimensions of the space which he desires to occupy, the movable structures which he proposes to use, and the kinds of merchandise which he wishes to store and to sell. He shall submit as part of his application the written consent to the issuance of the said license on the part of the owner or owners of the premises in front of which he desires to carry on business and of the tenants of the ground floor of such premises, or in lieu thereof the written consent of the duly authorized agent or agents of such owners and tenants. When the privilege for which a license is asked is to be exercised in front of premises owned by the city of Boston, the owner's consent herein provided for may be given by the department having charge of said premises. An application from a firm or a corporation shall be made by such partners or officers and under such further conditions as the board shall determine, and every partner or officer so designated shall give concerning himself the information as to age, occupation, citizenship, residence and place of business which is required of an individual applicant.

Application for license, etc.

SECTION 3. The application shall be sent by the board of street commissioners to the police commissioner of the city of Boston, with a request for a report thereon. It shall be the duty of said police commissioner forthwith to examine in person or by means of his subordinates the location for which the license is asked, with particular reference to the effect of its use as desired upon the free passage of

Duty of the police commissioner.

vehicles and of foot passengers and upon the maintenance of public order. In his report to the board of street commissioners, which shall be made as soon as practicable, he may certify his approval or his disapproval, or his approval conditional upon amendments to be made in the application as affecting the precise location, its area or the kinds of merchandise to be stored and sold thereon.

Authority to
issue license
vested in the
board of
street com-
missioners.

SECTION 4. Should the board of street commissioners and the police commissioner agree as to the propriety of issuing a license, the authority for further action shall be vested in said board; but no license shall become effective until twenty-four hours after a copy thereof has been delivered to the police commissioner.

Time for which
license may
issue.

SECTION 5. A license issued by the board of street commissioners may be for one or more week days in each week, for such hours daily as it shall in each case determine, and for any period not exceeding twelve months. It may be renewed on an application conforming to the conditions and in accordance with the procedure prescribed in sections two, three and four of this act. It may be suspended or revoked for any reason which said board shall consider sufficient.

Fee, etc.

SECTION 6. For each license issued and for each renewal thereof the board of street commissioners shall charge and collect in advance a fee of not less than five dollars nor more than one hundred dollars, according to its estimate of the value of the privilege granted, the receipt of which fee shall be certified on the face of the license. It may make and collect an additional charge as rent whenever the licensee is not the principal tenant of the ground floor of the premises in front of which the location is granted; or whenever such tenant is the licensee but carries on in the location for which the license is issued a business which in the manner of its conduct or in the character of the merchandise which is sold differs materially from the business in which he is mainly engaged at that place.

Board of street
commissioners
to keep record,
etc.

SECTION 7. The board of street commissioners shall cause to be kept at its office full and accurate records of its doings under this act, open to the public under reasonable restrictions, and at all times to the mayor of the city or to such persons as he may designate. Separate accounts shall be kept of moneys received from licenses and from rentals derived from the use of parts of the public streets. Em-

ployees of the board entrusted with the receipt or the custody of such moneys shall be required to give bonds for the faithful performance of their duties to such amount in each case and of such character as the board shall determine. Moneys received under the provisions of this act shall be paid over to the city collector weekly, or more frequently, with a statement in detail of the sources from which they were derived; and the collector shall give his receipt therefor. The board shall include in its annual report a reasonable summary of its doings under the authority of this act.

SECTION 8. Requirements and prohibitions contained in this act or elsewhere to the contrary notwithstanding, it shall be lawful to occupy without license or fee places in the streets, not including sidewalks, within the limits of Faneuil Hall Market, as the same are or may be defined in the ordinances of the city of Boston, and other market limits added under authority of chapter three hundred and seventy-six of the acts of the year eighteen hundred and ninety-six, for the sale from wagons or other vehicles of fresh provisions and perishable produce: *provided*, that the same are the product of the farm of the person offering them for sale, or of a farm within ten miles of the residence of such person; or are to be sold at wholesale only by the party offering the same for sale on commission, for, or as agent for, some person or persons not residing or having a usual place of business within eight miles of said market; or are meats to be sold at wholesale only by the person who slaughtered the animals of which the same were a part. Such sales shall be lawful only on days on which Faneuil Hall Market is open. Nothing contained in this section shall be construed to repeal or prevent reasonable rules of police, needful for the decorum, convenience and good order of the market, and of those who buy and sell therein.

Certain premises may be occupied without a license, etc.

Proviso.

SECTION 9. The police commissioner of the city of Boston may designate from time to time certain streets, or parts of streets, or sections of the city wherein, and not elsewhere in the city, it shall be lawful on the days and within the hours specified by him, and under such general rules as he shall make, for any hawker or pedler, without the license provided for in this act, to stop or stand for the purpose of selling merchandise: *provided*, that such hawkers or pedlers carry on their business in conformity with

Police commissioner may designate certain streets, etc., which may be used by hawkers and pedlers without a license.

Proviso.

the laws of the Commonwealth, the ordinances of the city, and the regulations of the board of aldermen and of the board of health of the city of Boston, now or hereafter enacted and not inconsistent herewith.

Penalty.

SECTION 10. A person who occupies a part of a public street in the city of Boston for the purchase, sale or storage of merchandise from a stand, from a vehicle or on foot, except in accordance with the provisions of this act, shall be subject to a fine not exceeding twenty dollars for the first offence and not exceeding one hundred dollars for each subsequent offence, and should such person be unknown to the police officer witnessing such occupation he may be arrested by such officer without a warrant.

Repeal, etc.

SECTION 11. Chapter two hundred and eleven of the acts of the year eighteen hundred and fifty-nine, chapter one hundred and fifty-two of the acts of the year eighteen hundred and sixty, and all other acts, ordinances and regulations inconsistent herewith are hereby repealed and annulled.

Approved June 28, 1907.

Chap. 585 AN ACT TO RESTRAIN THE CONSOLIDATION OF RAILROAD CORPORATIONS.

Be it enacted, etc., as follows:

Restraining
the consolida-
tion of railroad
corporations.

SECTION 1. No corporation owning, leasing or operating a railroad wholly or partly in this Commonwealth, nor any person or corporation acting in its interest shall, directly or indirectly, after the passage of this act acquire, or attempt to acquire by purchase, exchange of shares, or in any other way, any shares of the capital stock of any domestic railroad company not lawfully leased, owned or operated by it prior to the first day of May in the year nineteen hundred and seven, except under specific authority provided by statute. No such corporation nor any person in its behalf shall, prior to the first day of July, nineteen hundred and eight, vote any such stock which it now holds or may acquire in its own name or in that of any person or corporation acting in its interest, nor attempt to vote the same, at any meeting of the stockholders of such domestic railroad company, nor exercise, nor attempt to exercise, directly or indirectly, any control, direction, supervision or influence whatsoever over the acts or doings of such domestic railroad company by virtue of such holding of stock therein.

SECTION 2. No domestic railroad company shall prior to said date permit any shares of its capital stock owned or controlled by a corporation, as designated in section one, or by any person or corporation acting in its interest, to be voted on behalf of said corporation by its officers, attorneys or agents, or any other person, at any corporate election for directors or officers of such domestic railroad company. No such domestic railroad company, or any officer, director, servant or agent thereof, shall permit or suffer the said corporation designated in section one or any of its officers or agents to exercise any control whatsoever over the corporate acts of such domestic company. No officer, agent, servant or employee of such corporation shall prior to the first day of July, nineteen hundred and eight, be elected or appointed or serve or act as an officer, agent, servant or employee of such domestic railroad company: *provided, however,* that the provisions of this section shall not apply to any vote upon such shares of stock nor to any action taken under the provisions of section three of this act; nor shall the provisions of this section apply to the election, appointment, service and acts of any officer, agent, servant or employee of any domestic railroad company that may have been lawfully owned, leased or operated prior to the first day of May, nineteen hundred and seven, by such railroad corporation as is designated in section one. If at any annual meeting or at any other meeting held for the purpose of electing officers less than a majority of the stock of such domestic railroad company is represented, no election of officers shall take place.

Shares of a domestic railroad company owned, etc., by a corporation, etc., not to be voted on in certain cases, etc.

Proviso.

SECTION 3. The presidents, or a majority of the boards of directors, or the holders of not less than one third in interest of the capital stock of two or more railroad corporations, may apply to the board of railroad commissioners for its determination as to whether the consolidation of the railroads of such corporations is consistent with the public interest. If the board, after public notice and a hearing, shall find that such consolidation is consistent with the public interest, it shall report its findings to the general court, together with drafts of a law or laws to authorize such consolidation upon the agreement of the corporations to be consolidated, and after ratification by a vote of not less than two thirds in interest of the stockholders in each, and under terms and conditions which will effectually prevent any decrease in the facilities for transportation on

Powers and duties of the railroad commissioners in cases of proposed consolidation of railroads, etc.

the railroad of either of such corporations or any increase in the rates for passengers or freight by the said consolidation, and which will, in the opinion of the board, secure to the Commonwealth adequate control over the organization, conduct, and management of the said corporations and railroads, and upon such other terms and conditions as may seem to the board desirable and proper.

Charges for transportation of persons or property not to be increased, and facilities not to be diminished, in cases of consolidation, etc.

SECTION 4. In case of any lease, purchase and sale or consolidation as authorized by the foregoing section, no rate, fare or charge for transportation of passengers or property shall be increased, and no facilities for transportation shall be diminished thereby, nor in connection therewith or as a result thereof shall there be any increase in the aggregate outstanding capital stock or indebtedness of the contracting companies.

Switch connections, etc.

SECTION 5. A railroad corporation, upon the application of any shipper tendering freight for transportation, shall construct, maintain and operate upon reasonable terms a switch connection or switch connections with a lateral line of railroad or private side track owned, operated or controlled by such shipper and shall, upon the application of any shipper, provide upon its own property a side track and switch connection with its line of railroad, whenever such side track and switch connection are reasonably practicable, can be put in with safety, and the business therefor is sufficient to justify the same.

Proceedings in cases of failure to install and maintain proper switch connections, etc.

SECTION 6. If any railroad corporation shall fail to install or operate any such switch connection with a lateral line of railroad or any such side track and switch connection as aforesaid, after written application therefor has been made to it, any person interested may present the facts to the board of railroad commissioners by written petition, and the board shall investigate the matters stated in such petition, and give such hearing thereon as it may deem necessary or proper. If the board be of opinion that it is safe and practicable to have a connection, substantially as prayed for, established or maintained, and that the business to be done thereon justifies the construction and maintenance thereof, it shall make an order directing the construction and establishment thereof, specifying the reasonable compensation to be paid for the construction, establishment and maintenance thereof, and may in like manner upon the application of the railroad corporation order the discontinuance of such switch connection.

SECTION 7. Section sixty-seven of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "companies", in the fourth line, the words: — or a contract that either corporation shall perform all the transportation upon and over the road of the other, — and by adding at the end thereof the words: — or to contract with any other railroad corporation or street railway company that either corporation shall perform all the transportation upon and over the road of the other, — so as to read as follows: — *Section 67.* A lease or purchase and sale of the franchise and property of a railroad corporation, or street railway company, and a consolidation of two or more railroad corporations, or street railway companies, or a contract that either corporation shall perform all the transportation upon and over the road of the other, whether authorized by general laws or a special act, shall not be valid or binding until the terms thereof shall, after public notice and a hearing, have been approved by the board of railroad commissioners, and a certificate signed by said board, setting forth the vote of approval, shall have been filed in the office of the secretary of the commonwealth. Said board shall announce its decision within thirty days after the final hearing upon the application of any railroad corporation or street railway company for permission to lease or sell to, consolidate with or purchase the franchise and other property of, any other railroad corporation or street railway company, or to contract with any other railroad corporation or street railway company that either corporation shall perform all the transportation upon and over the road of the other.

1906, 463, § 67,
Part I,
amended.

Leases, etc., to
be approved by
the railroad
commissioners.

SECTION 8. Section two hundred and nine of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by striking out after the word "section", in the thirteenth line, the words "two hundred and seven", and inserting in place thereof the words: — sixty-seven of Part I of this act, — so as to read as follows: — *Section 209.* Two railroad corporations, which are incorporated under the laws of this commonwealth, and whose railroads enter upon or connect with each other, may contract that either corporation shall perform all the transportation upon and over the railroad of the other; and any such corporation may lease its railroad to any other such corporation; but the

1906, 463,
§ 209, Part II,
amended.

Connecting
companies may
contract that
one company
shall perform
transportation
for the other.

facilities for travel and business on either of the railroads of said corporations shall not thereby be diminished. Such leases shall be upon such terms as the directors agree, and as a majority in interest of the stockholders of both corporations at meetings called for the purpose approve, subject to the provisions of section sixty-seven of Part I of this act. The income arising from such contracts or leases shall be subject to the provisions of law relative to the right of the commonwealth to purchase the railroads of the railroad corporations or to reduce their tolls, in the same manner as that arising from the use of the railroads. Copies of such contracts or leases shall be deposited with the board of railroad commissioners, and full statements of the facts shall be set forth in the next annual return of such corporations. The provisions of this section shall not authorize a lease or contract between two railroad corporations, each of which has a terminus in the city of Boston. The railroads of two railroad corporations shall be considered to enter upon or connect with each other, within the meaning of this section, if one of such railroads enters upon, connects with, or intersects a railroad leased to the other or operated by it under a contract as herein authorized.

Penalties for violations of act.

SECTION 9. A railroad corporation, as hereinbefore designated, which violates the provisions of the first three sections of this act, shall be punished by a fine of ten thousand dollars for each offence; and any officer or agent of such railroad corporation who procures, aids or abets such corporation in any violation of said sections, and any partnership, trustee or other person who procures, aids or abets in any violation thereof, shall be punished by fine of one thousand dollars or by imprisonment for not more than one year nor less than six months, or by both such fine and imprisonment.

The supreme judicial court to have jurisdiction in equity.

SECTION 10. The supreme judicial court shall have jurisdiction in equity upon petition of the attorney-general or of any stockholder in such domestic railroad company to compel the observance, and to restrain any violation, of the provisions of this act.

Not to be construed as ratifying any acquisition of shares of stock heretofore made, etc.

SECTION 11. Nothing in this act contained shall be construed as sanctioning or ratifying any acquisition heretofore made by any corporation owning, leasing, or operating a railroad in this Commonwealth, or by any person,

association, trust, or corporation acting in its behalf or controlled by it, of any shares or a beneficial interest in any shares of stock in a domestic railroad company.

SECTION 12. This act shall take effect upon its passage.

Approved June 28, 1907.

AN ACT RELATIVE TO THE TAXATION OF EXPRESS COMPANIES. *Chap. 586*

Be it enacted, etc., as follows:

SECTION 1. Every person, company, partnership or association doing an express business on any railroad, railway, steamboat or vessel in the Commonwealth, shall annually, between the first and tenth days of May, make a return to the tax commissioner, under oath, stating the name of the person, company, partnership or association, and setting forth as of the first day of May in the year in which the return is made: —

Taxation of express companies, return to be made annually to the tax commissioner.

First. The total amount of the outstanding capital of the person, company, partnership or association; the classes of stock, if any, into which it is divided; the par value and number of the shares; the market value of its shares and of each class thereof, if there are two or more classes.

First: outstanding capital, etc.

Second. The amount and par and market value of all bonds issued by such person, company, partnership or association, together with the amount of the unfunded debt, if any, and such analysis as the tax commissioner may require of the purposes for which said unfunded debt was incurred.

Second: amount and value of bonds, issued, etc.

Third. A statement in such detail as the tax commissioner may require of the real estate, machinery, merchandise and other property belonging to the person, company, partnership or association, together with the location and value thereof and the amount of taxes paid thereon to the various cities and towns in the Commonwealth for the twelve months preceeding said first day of May. Such return shall be filed with the tax commissioner, and shall be open only to the inspection of the tax commissioner, his clerks and assistants, and such other officers of the Commonwealth as may have occasion to inspect it for the purpose of assessing or of collecting taxes.

Third: statement of real estate and machinery, etc.

SECTION 2. If such person, company, partnership or association fails to file said return before the tenth day of May of each year, the tax commissioner shall give notice

In case of failure to make return notice of default to be sent to company.

Penalty for further failure, etc.

by mail, postage prepaid, to such person, company, partnership or association of the default. If the return is not filed within thirty days after such notice of default has been given, the party in default shall forfeit to the Commonwealth not less than five nor more than ten dollars for each day for fifteen days after the expiration of the said thirty days, and not less than ten nor more than two hundred dollars for each day thereafter during which such default continues.

Forfeitures, etc., how recovered.

SECTION 3. Penalties or forfeitures incurred by failure to comply with the provisions of this act may be recovered in an action brought in the county of Suffolk in the name of the Commonwealth, or may be recovered by an information in equity in the name of the attorney-general, at the relation of the tax commissioner, brought in the supreme judicial court in the county of Suffolk. Upon such information, the court may issue an injunction restraining the further prosecution of the business of the person, company, partnership or association named therein until such penalties or forfeitures, with interest and costs, have been paid, and until the return required by this act has been filed.

Tax commissioner to estimate fair cash value of all securities, etc.

SECTION 4. The tax commissioner shall ascertain from the returns or otherwise the true market value of the shares and bonds of every such person, company, partnership or association, and such part of the unfunded debt as he may determine to have been incurred for the purposes of construction or permanent equipment or improvement, and shall estimate therefrom the fair cash value of all the said shares, bonds and unfunded debt as herein specified, constituting its capital on the preceding first day of May.

— to levy an excise tax upon all persons, etc., subject to provision of this act, etc.

SECTION 5. The tax commissioner shall thereupon in each year levy an excise tax upon every person, company, partnership or association subject to the provisions of this act upon the fair cash value of such proportion of his or its capital, bonds and unfunded debt determined as above, after deducting therefrom the value of the real estate, machinery, merchandise and other property belonging to the person, company, partnership or association, within the Commonwealth and subject to taxation in the various cities and towns thereof, together with the value of securities owned by him or it and not liable to local taxation, as the gross earnings of the said person, company, partnership or association within the state, bear to his or its total

gross earnings, at a rate equal to the average of the annual rates for the three years preceding that in which the assessment is made, the annual rate to be determined by an apportionment of the whole amount of money to be raised by taxation upon property in the Commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve of the Revised Laws, as amended, after deducting therefrom the tax assessed upon polls for the preceding year, as certified to the secretary of the Commonwealth, upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter of the Revised Laws.

For the purposes of this section the tax commissioner may take the value at which the real estate, machinery, merchandise and other property are assessed at the place where they are located as the true value, but such local assessment shall not be conclusive of the true value thereof. The tax commissioner may require the person, company, partnership or association to prosecute an appeal from the valuation of the real estate, machinery, merchandise or other property by the assessors of the city or town either to the county commissioners or to the superior court, whose decision shall be conclusive upon the question of value. Upon such appeal the tax commissioner may be heard, and in the superior court costs may be awarded as justice requires.

Value of real estate, how determined.

SECTION 6. The tax commissioner shall annually, as soon as may be after the first Monday of August, give notice to every such person and to the treasurer of every such company, partnership or association which is liable to taxation under the provisions of this act of the amount thereof; that it will be due and payable to the treasurer and receiver general within thirty days after the date of such notice, but not before the twentieth day of October; and that, within ten days after the date of such notice, the person, company, partnership or association may apply for a correction of said tax and be heard thereon by the board of appeal authorized by the provisions of section sixty-five of chapter fourteen of the Revised Laws.

Annual notice to be given of amount of tax, etc.

SECTION 7. Assessors shall annually on or before the first Monday in August return to the tax commissioner a list of the real estate, merchandise and other property of

Assessors to make return to the tax commissioner, etc.

the persons, concerns or companies doing an express business as aforesaid, and in such form and detail as the tax commissioner may require, with the value thereof on the first day of May preceding and the amount at which the same are assessed in said city or town for the year then current. If the assessors neglect to comply with the requirements of this section, each assessor so neglecting shall forfeit one hundred dollars. *Approved June 28, 1907.*

Chap. 587 AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as otherwise provided herein, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit:—

Jamestown Ter-centennial Exposition.

To provide for the representation of the Commonwealth at the Jamestown Ter-centennial Exposition, as authorized by chapter ninety-six of the resolves of the present year, a sum not exceeding five thousand dollars.

Massachusetts State sanatorium.

To provide for certain improvements at the Massachusetts state sanatorium, as authorized by chapter ninety-eight of the resolves of the present year, a sum not exceeding five thousand dollars.

Danvers insane hospital.

To provide for certain improvements and to authorize the purchase and sale of land at the Danvers insane hospital, as authorized by chapter one hundred of the resolves of the present year, a sum not exceeding thirty-eight thousand eight hundred dollars, the same to be paid out of the Prisons and Hospitals Loan Fund.

Retired veterans.

For the compensation of certain veterans in the service of the Commonwealth who have been retired from such service under authority of chapter four hundred and fifty-eight of the acts of the present year, a sum not exceeding ten thousand dollars.

Board of boiler rules.

For the compensation of the members of the board of boiler rules, as provided for by chapter four hundred and sixty-five of the acts of the present year, a sum not exceeding one thousand dollars; for the salary of the chief clerk and secretary of the board of boiler rules, a sum not exceeding six hundred dollars, and for such necessary ex-

penses of the board, including those of the secretary, as may be incurred, a sum not exceeding seven hundred and fifty dollars.

For the salary of the chief engineer and other employees in the engineer's department under the direction of the sergeant-at-arms, a sum not exceeding five hundred and forty dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Sergeant-at-arms department.

For rent of telephones at the state house and expenses in connection therewith, a sum not exceeding four hundred and eighty dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Telephones at the state house.

For assessors' books and blanks, the sum of one hundred twenty-nine dollars and ninety-one cents, the same to be in addition to any amount heretofore appropriated for this purpose.

Assessors' books and blanks.

For certain improvements at the state farm, as authorized by chapter one hundred and two of the resolves of the present year, a sum not exceeding eleven thousand dollars.

State farm.

For certain improvements at the state hospital, as authorized by chapter one hundred and three of the resolves of the present year, a sum not exceeding eighteen thousand dollars.

State hospital.

For expenses in connection with a commission on commerce and industry, as authorized by chapter one hundred and four of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Commission on commerce and industry.

To provide for an additional building at the Soldiers' Home in Massachusetts, as authorized by chapter one hundred and five of the resolves of the present year, a sum not exceeding seventy-five thousand dollars.

Soldiers' Home.

For certain additions and improvements at the Massachusetts Agricultural College, as authorized by chapter one hundred and seven of the resolves of the present year, a sum not exceeding forty-seven thousand four hundred dollars.

Massachusetts Agricultural College.

For expenses of a commission appointed to investigate the subject of public improvements for the metropolitan district, as authorized by chapter one hundred and eight of the resolves of the present year, a sum not exceeding twenty-five thousand dollars, the same to be paid out of the Metropolitan Parks Maintenance Fund.

Commission on improvements for the metropolitan district.

For expenses in connection with the dredging of a channel near Orient Heights in Boston harbor, as authorized

Dredging certain channel in Boston harbor.

by chapter one hundred and nine of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Riprap work
on the Con-
necticut river
in Hadley.

For strengthening and repairing the riprap work on the bank of the Connecticut river in the town of Hadley, as authorized by chapter one hundred and ten of the resolves of the present year, a sum not exceeding eight thousand dollars.

South river in
Salem.

For the improvement of South river in the city of Salem, as authorized by chapter one hundred and eleven of the resolves of the present year, a sum not exceeding five thousand dollars.

State forester,
salary, etc.

For the salary of the state forester, as authorized by chapter four hundred and seventy-three of the acts of the present year, a sum not exceeding five hundred dollars; also for expenses in connection with the administration of his office, a sum not exceeding twenty-five hundred dollars, these amounts to be in addition to any amounts heretofore appropriated for this purpose.

Dorchester
bay.

For the dredging of Dorchester bay by the harbor and land commissioners, as authorized by chapter four hundred and eighty-eight of the acts of the present year, a sum not exceeding eighty-five hundred dollars.

Taking of
certain land
in Martha's
Vineyard.

For expenses in connection with the taking of certain unimproved land upon the island of Martha's Vineyard for the protection of pinnated grouse and other birds, as authorized by chapter five hundred and four of the acts of the present year, a sum not exceeding two thousand dollars.

Nantucket
harbor.

For the improvement of Nantucket harbor, as authorized by chapter five hundred and eight of the acts of the present year, a sum not exceeding five thousand dollars.

Ipswich river.

For the further improvement of the channel of the Ipswich river, as authorized by chapter five hundred and nine of the acts of the present year, a sum not exceeding three thousand dollars.

Riprap work
on the Con-
necticut river,
in Agawam.

For extending the riprap work on the banks of the Connecticut river in the town of Agawam, as authorized by chapter five hundred and ten of the acts of the present year, a sum not exceeding fifteen hundred dollars.

Herring river.

For the construction of a dike across the mouth of Herring river in the town of Wellfleet, as authorized by chapter five hundred and eleven of the acts of the present year, a sum not exceeding ten thousand dollars.

To provide for the improvement of West Falmouth harbor, as authorized by chapter five hundred and twelve of the acts of the present year, a sum not exceeding five thousand dollars.

West Falmouth harbor.

For the improvement of Scorton harbor, as authorized by chapter five hundred and sixteen of the acts of the present year, a sum not exceeding ten thousand dollars.

Scorton harbor.

For expenses in connection with the construction and improvement of buildings at state and other institutions, as provided for by chapter five hundred and twenty of the acts of the present year, a sum not exceeding two thousand dollars.

State and other institutions.

For enlarging and improving the entrance to West Bay at Osterville, as authorized by chapter five hundred and twenty-three of the acts of the present year, a sum not exceeding ten thousand dollars.

West Bay at Osterville.

To provide for a survey of Wild harbor at North Falmouth, as authorized by chapter one hundred and twelve of the resolves of the present year, a sum not exceeding one hundred and fifty dollars.

Wild harbor at North Falmouth.

For certain improvements at the Worcester insane hospital, as authorized by chapter one hundred and thirteen of the resolves of the present year, a sum not exceeding thirteen thousand six hundred dollars.

Worcester insane hospital.

The warden of the state prison, the superintendent of the Massachusetts reformatory, the superintendent of the reformatory prison for women, the superintendent of the state farm, the superintendent of the state hospital, the superintendent of the Lyman school for boys and the superintendent of the state industrial school for girls may expend out of the appropriations for the current year for current expenses of their respective institutions such sums as may be necessary to make up any deficiency in the appropriation for salaries, to enable them to carry out the act relative to the hours of labor of workmen, mechanics and engineers, as provided for by chapter two hundred and sixty-nine of the acts of the present year.

Expenditures at state institutions in carrying out the "eight-hour" law.

For the purchase of stock for the Westborough insane hospital, as authorized by chapter one hundred and fourteen of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Westborough insane hospital.

For dredging a channel in the Connecticut river in the city of Holyoke, as authorized by chapter one hundred and

Channel in Connecticut river at Holyoke.

fifteen of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Rock harbor.

For the improvement of Rock harbor in the towns of Orleans and Eastham, as authorized by chapter one hundred and sixteen of the resolves of the present year, a sum not exceeding five thousand dollars.

Jeremiah McCarthy.

For Jeremiah McCarthy, as authorized by chapter one hundred and seventeen of the resolves of the present year, the sum of one hundred and twenty-five dollars.

Alexander K. Ripley.

For Alexander K. Ripley, as authorized by chapter one hundred and eighteen of the resolves of the present year, the sum of one hundred and twenty-five dollars.

Purchasing, etc., armories.

For salaries and expenses in connection with purchasing, constructing and maintaining certain armories by the Commonwealth, as authorized by chapter five hundred and twenty-six of the acts of the present year, a sum not exceeding nine hundred and fifty dollars, this amount being authorized to permit the carrying out of certain provisions of this act during the months of December, nineteen hundred and seven, and January, nineteen hundred and eight.

Plymouth harbor.

For the improvement of a certain channel in Plymouth harbor, as authorized by chapter five hundred and thirty-one of the acts of the present year, a sum not exceeding twenty thousand dollars.

Commissioner of weights and measures.

For the salary of the commissioner of weights and measures, as authorized by chapter five hundred and thirty-four of the acts of the present year, a sum not exceeding eight hundred and fifty dollars, and for salaries and expenses of the inspectors, also for clerical service, travel and contingent office expenses, a sum not exceeding forty-five hundred dollars. Any unexpended balance remaining of the appropriation authorized by chapter eighteen of the acts of the present year, for salary and expenses of the deputy sealer of weights and measures and for furnishing sets of standard weights, measures and balances to towns may be used by the commissioner of weights and measures provided for in this act for similar purposes.

Health districts, etc.

For expenses in connection with the establishment of health districts and the appointment of inspectors of health, as provided for by chapter five hundred and thirty-seven of the acts of the present year, to include salaries of inspectors and other necessary expenses, a sum not exceeding fifteen thousand dollars.

For certain improvements at the Worcester insane asylum, as authorized by chapter eighty-eight of the resolves of the present year, a sum not exceeding ten thousand five hundred dollars.

Worcester insane asylum.

For certain improvements at the Lyman school for boys, as authorized by chapter one hundred and nineteen of the resolves of the present year, a sum not exceeding forty-one hundred and twenty-five dollars.

Lyman school for boys.

For certain improvements at the state industrial school for girls, as authorized by chapter one hundred and twenty of the resolves of the present year, a sum not exceeding thirty-two thousand four hundred dollars.

State industrial school for girls.

To provide for an investigation and report by the state board of charity relative to the establishment of an industrial school for boys, as authorized by chapter one hundred and twenty-one of the resolves of the present year, a sum not exceeding five hundred dollars.

Industrial school for boys.

For expenses in connection with the dedication of the Massachusetts monument in the National Cemetery at Winchester, Virginia, as authorized by chapter one hundred and twenty-two of the resolves of the present year, a sum not exceeding two thousand dollars.

Dedication of monument at Winchester, Virginia.

To provide for the establishment of the Deer Hill state reservation in the county of Hampshire, as authorized by chapter five hundred and forty of the acts of the present year, a sum not exceeding four thousand dollars.

Deer Hill state reservation.

To provide for the establishment of the Mount Sugar Loaf state reservation, as authorized by chapter five hundred and forty-one of the acts of the present year, a sum not exceeding seventy-five hundred dollars.

Mount Sugar Loaf state reservation.

To further provide for improving the harbor of Cuttyhunk in the town of Gosnold, as authorized by chapter five hundred and forty-two of the acts of the present year, a sum not exceeding seventy-five hundred dollars.

Cuttyhunk harbor.

To provide further for the building of a breakwater and sea wall in the town of Scituate, as authorized by chapter five hundred and forty-four of the acts of the present year, a sum not exceeding six thousand dollars.

Breakwater, etc., in Scituate.

For the expenses of a commission to advise and report on a plan for the extension of the present state house in the city of Boston, as authorized by chapter five hundred and forty-five of the acts of the present year, a sum not exceeding twenty-five hundred dollars.

Commission on extension of state house.

Committees of
the general
court.

For authorized expenses of the committees of the present general court, to include clerical assistance to committees authorized to employ the same, also to include compensation and expenses of the committees authorized to sit during the recess, a sum not exceeding fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Essex river.

For the improvement of Essex river, as authorized by chapter one hundred and twenty-four of the resolves of the present year, a sum not exceeding five thousand dollars.

Neponset
river.

For the improvement of the Neponset river, as authorized by chapter one hundred and twenty-five of the resolves of the present year, a sum not exceeding thirty-four thousand two hundred seventy dollars and forty-four cents.

Manchester
harbor.

For dredging Manchester harbor, as authorized by chapter one hundred and twenty-six of the resolves of the present year, a sum not exceeding eight thousand dollars.

Tax commis-
sioner, salary,
etc.

For the salary of the tax commissioner and commissioner of corporations, a sum not exceeding six hundred and forty dollars, the same to be in addition to any amount heretofore appropriated for this purpose; for the salary of the deputy tax commissioner, a sum not exceeding twelve hundred and fifty dollars; for the salary of three assistants in the office of the tax commissioner and commissioner of corporations, a sum not exceeding three thousand dollars; for such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary for the dispatch of public business, a sum not exceeding thirteen thousand dollars; for incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose. The appropriation authorized by chapter thirty-five of the acts of the present year for travelling expenses of the tax commissioner and his deputy may also be used for the travelling expenses of the three assistants. All of the foregoing salaries and official changes are authorized by chapter five hundred and sixty-four of the acts of the present year.

Old age in-
surance and
pensions.

To provide for an investigation and report relative to the adoption of a system of old age insurance and pensions, as authorized by chapter one hundred and twenty-seven of

the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

For expenses in connection with the establishment of life insurance departments by savings banks, as authorized by chapter five hundred and sixty-one of the acts of the present year, a sum not exceeding ten thousand dollars.

Life insurance
departments in
savings banks.

To provide for a revision of the laws relative to taxation, as authorized by chapter one hundred and twenty-nine of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Taxation laws.

For the salary of the insurance commissioner, a sum not exceeding five hundred and twenty-five dollars; for the salary of the deputy insurance commissioner, a sum not exceeding three hundred and fifty dollars; for the salary of the examiner in the insurance department, a sum not exceeding three hundred and fifty dollars; these amounts to be in addition to any amounts heretofore appropriated for the same purpose, as authorized by chapter five hundred and seventy-six of the acts of the present year.

Insurance
commissioner,
salary, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 28, 1907.

RESOLVES.

RESOLVE RELATIVE TO THE PUBLICATION OF THE BULLETIN OF COMMITTEE HEARINGS. *Chap. 1*

Resolved, That the publication of the bulletin of committee hearings shall be under the control of the joint committee on rules, who shall appoint the editor thereof and fix his compensation. The bills for editing and printing the bulletin shall be approved by the senate or house chairman of the joint committee on rules before being filed in the auditor's office for allowance. The sergeant-at-arms shall mail copies of the bulletin to persons making application therefor, on payment of the sum of two dollars. All sums of money received for the bulletin shall be paid to the treasurer of the Commonwealth once each month.

Publication of
bulletin of
committee
hearings.

Approved January 17, 1907.

RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF ASSESSMENTS FOR THE METROPOLITAN DISTRICTS AND FOR ARMORIES. *Chap. 2*

Resolved, That, in anticipation of the assessments of the present year for the metropolitan districts and for armories, the treasurer and receiver general is hereby authorized to borrow at any time before December first, nineteen hundred and seven, such sums of money as may from time to time be necessary for the payment of the interest and maintenance charges of the metropolitan districts and of armories, at such rates of interest as shall be found necessary, and that he shall repay any sums borrowed under this resolve as soon after said assessments are paid as is expedient; and the treasurer and receiver general is hereby authorized to collect from the cities and towns of said metropolitan districts and armories proportionately, all interest that may be paid upon money borrowed under this resolve.

Treasurer
and receiver
general may
borrow money
in anticipation
of metropolitan
district
assessments,
etc.

Approved January 25, 1907.

Chap. 3 RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Treasurer
and receiver
general may
borrow money
in anticipation
of revenue.

Resolved, That in anticipation of the receipts of the present year, the treasurer and receiver general is hereby authorized to borrow, at any time before the expiration of fifteen days after the meeting of the next general court, such sums of money as may from time to time be necessary for the payment of ordinary demands on the treasury, at such rates of interest as shall be found necessary; and that he shall repay any sums borrowed under this resolve as soon as money sufficient for the purpose, and not otherwise appropriated, is received into the treasury.

Approved January 25, 1907.

Chap. 4 RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Massachusetts
Agricultural
College.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Massachusetts Agricultural College, the sum of three hundred twenty dollars and thirty-five cents, being the amount for printing the report of the board of trustees of the college in excess of the appropriation therefor, the same having been inadvertently paid by the treasurer of the college.

Approved January 25, 1907.

Chap. 5 RESOLVE IN FAVOR OF LEMUEL D. BURR AND ANNA BURR.

Lemuel D.
Burr and
Anna Burr.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue the sum of one hundred and fifty dollars, to Lemuel D. Burr and Anna Burr, for their support, they being children of the late Lemuel Burr of Cambridge, who was a member of the Ponkapoag tribe of Indians.

Approved January 31, 1907.

Chap. 6 RESOLVE TO PROVIDE FOR THE PRESERVATION OF THE WAR RECORDS IN THE OFFICE OF THE ADJUTANT GENERAL.

Preservation
of war records.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen hundred dollars, to be expended under the direction of the

adjutant general in preserving war records worn by age and use; this sum to be in addition to any unexpended amounts heretofore authorized to be expended for the same purpose.

Approved February 7, 1907.

RESOLVE RELATIVE TO MATTHEW C. GRIER.

Chap. 7

Matthew C. Grier.

Resolved, That the auditor is hereby authorized to grant a leave of absence for a period not exceeding six months to Matthew C. Grier, a veteran of the civil war, who has been for the last fifteen years employed as a clerk in his office and who is now seriously ill and unable to perform his duties.

Approved February 7, 1907.

RESOLVE RELATIVE TO COMPILING, INDEXING AND PUBLISHING THE RECORDS OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE REVOLUTIONARY WAR.

Chap. 8

Revolutionary war records.

Resolved, That the secretary of the Commonwealth is hereby authorized and directed to continue the preparation and publication of an indexed compilation of the records of the Massachusetts soldiers and sailors who served in the army and navy during the revolutionary war, as shown by the archives in the office of the secretary of the Commonwealth, and that he may expend therefor a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore authorized for this purpose.

Approved February 7, 1907.

RESOLVE TO DIRECT THE CHIEF OF THE BUREAU OF STATISTICS OF LABOR TO FURNISH TO THE DEPARTMENT OF MASSACHUSETTS, GRAND ARMY OF THE REPUBLIC, A LIST OF NAMES OF THOSE WHO SERVED IN THE CIVIL WAR.

Chap. 9

Lists of names of persons who served in the war of the rebellion, etc.

Resolved, That the chief of the bureau of statistics of labor is hereby authorized and directed to transmit to the department headquarters of the Grand Army of the Republic of Massachusetts three hundred copies of an alphabetical list, by cities and towns, of those persons recorded by the bureau in the recent decennial census as having served in the army, navy or marine corps of the United States during the war of the rebellion.

Approved February 7, 1907.

Chap. 10 RESOLVE IN FAVOR OF THE LADIES' CITY MISSION SOCIETY OF
NEW BEDFORD.

Ladies' City
Mission
Society of New
Bedford.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Ladies' City Mission Society of New Bedford, the sum of three hundred fifteen dollars and eighty-six cents, in repayment of the taxes received by the Commonwealth for the years eighteen hundred and ninety-nine to nineteen hundred and five, inclusive, upon shares of national bank stock owned by the said society, the said taxes not having been claimed by the society.

Approved February 16, 1907.

Chap. 11 RESOLVE TO PROVIDE FOR REPRINTING THE STATE HOUSE GUIDE
BOOK.

State house
guide book.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars for publishing, under the direction of the sergeant-at-arms, a third edition of the guide book of the state house, prepared by Ellen Mudge Burrill. The third edition shall contain a statement of such changes as have been made in the position of portraits, and a history of the statues, paintings and relics that have been received since the twenty-seventh day of March in the year nineteen hundred and five. The governor shall receive twenty-five copies; the lieutenant governor, the members of the executive council, the secretary, treasurer, auditor and attorney-general of the Commonwealth, five copies each; each member and officer of the general court for the year nineteen hundred and seven, five copies; the state library, twenty copies; each reporter regularly assigned a seat in the reporters' gallery, one copy; and the remainder of the edition shall be placed in the hands of the sergeant-at-arms to be distributed by him at his discretion.

Approved February 16, 1907.

Chap. 12 RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME
IN MASSACHUSETTS.

Trustees of
the Soldiers'
Home.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of the Soldiers' Home in Massachusetts, the sum of sixty thousand dollars, for the purpose of aiding in the maintenance of the home during the current fiscal year. Any money ap-

propriated for such maintenance may be used for the care and enlargement of the burial lot owned by the trustees.

Approved February 19, 1907.

RESOLVE RELATIVE TO PRINTING THE REPORT OF THE JOINT SPECIAL COMMITTEE APPOINTED TO REVISE, CONSOLIDATE AND ARRANGE THE GENERAL LAWS RELATING TO INSURANCE.

Chap. 13

Resolved, That there be printed three thousand copies of the report of the joint special committee appointed to revise, consolidate and arrange the general laws of the Commonwealth relating to insurance, the same to be in addition to the number of said reports printed as a house document. Five hundred of said additional copies shall be bound, of which each member of said special committee shall receive five copies. The remainder shall be distributed under the direction of the sergeant-at-arms.

Printing report of committee on revision of insurance laws.

Approved February 21, 1907.

RESOLVE RELATIVE TO PRINTING THE REPORT OF THE JOINT SPECIAL COMMITTEE APPOINTED TO REVISE, CONSOLIDATE AND ARRANGE THE GENERAL LAWS RELATING TO TAXATION.

Chap. 14

Resolved, That there be printed twenty-five hundred copies of the report of the joint special committee appointed to revise, consolidate and arrange the general laws of the Commonwealth relating to taxation, the same to be in addition to the number of said reports printed as a house document. One thousand of said additional copies shall be bound, of which each member of said special committee shall receive five copies, and each member of the general court shall receive three copies. The remainder shall be distributed under the direction of the sergeant-at-arms.

Printing report of committee on revision of taxation laws.

Approved February 21, 1907.

RESOLVE RELATIVE TO EXPENDITURES BY HEADS OF DEPARTMENTS AND OFFICIALS OF THE COMMONWEALTH.

Chap. 15

Resolved, That the heads of departments and officials having supervision of or charge of expenditures in behalf of the Commonwealth for which no appropriations have been made are hereby authorized to continue the several departments of service under their charge during the month of February until such appropriations are made therefor or the pleasure of the present general court in respect thereto is made known.

Expenditures by heads of department, etc.

Approved February 25, 1907.

Chap. 16 RESOLVE TO PROVIDE FOR THE CODIFICATION OF THE ELECTION LAWS.

Codification of election laws.

Resolved, That the secretary of the Commonwealth prepare a codification of all statutes in force relating to the manner of conducting national, state and municipal elections, and also relating to ballots, balloting, and the manner of holding and conducting caucuses for the nomination of candidates to be voted for at such elections, including all laws passed at this session of the general court, and report the same before the close of the session, if possible, and otherwise to the next general court, not later than the fifteenth day of January in the year nineteen hundred and eight. He may also report such changes and amendments in existing laws as in his opinion may be advisable. He shall receive such compensation and such allowance for assistance as may be approved by the governor and council, but the total expense shall not exceed the sum of seven hundred and fifty dollars. *Approved February 27, 1907.*

Chap. 17 RESOLVE IN ADDITION TO A RESOLVE TO PROVIDE FOR PREPARING AND PRINTING A SPECIAL REPORT ON THE BIRDS OF THE COMMONWEALTH.

Special report on birds of the Commonwealth.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eleven hundred twenty-eight dollars and eighty cents, to meet certain expenses in connection with preparing and printing, under the direction of the state board of agriculture, a special report on the birds of the Commonwealth, economically considered, the same to be in addition to the amount authorized by chapter fifty-one of the resolves of the year nineteen hundred and five. *Approved March 1, 1907.*

Chap. 18 RESOLVE IN FAVOR OF LAVINIA A. BARBOUR.

Lavinia A. Barbour.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Lavinia A. Barbour, widow of James K. Barbour who was injured while defending property at the Cooper street riot, an annuity of three hundred dollars during her natural life, payable in equal quarterly instalments. Chapter eight of the resolves of the year eighteen hundred and ninety-five is hereby repealed. *Approved March 1, 1907.*

RESOLVE IN FAVOR OF THE TOWN OF DALTON.

Chap. 19

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Dalton the sum of two thousand six hundred eighteen dollars and seventy-six cents, this amount having been paid by the town since the year eighteen hundred and ninety to the state for the support of Rose L. Tucker, a state charge, the payment having been made by the town under a misapprehension of facts.

Town of Dalton.

Approved March 1, 1907.

RESOLVE TO CONFIRM THE ACTS OF JOHN P. REYNOLDS AS A JUSTICE OF THE PEACE.

Chap. 20

Resolved, That the acts of John P. Reynolds of Boston, as a justice of the peace, between the twentieth day of February in the year nineteen hundred and three and the first day of January in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Acts of John P. Reynolds, justice of the peace, confirmed.

Approved March 6, 1907.

RESOLVE TO AUTHORIZE THE RETURN OF CERTAIN MUSTER ROLLS TO THE STATE OF NEW JERSEY.

Chap. 21

Resolved, That the secretary of the Commonwealth is hereby authorized to comply with the request of the governor of New Jersey for the return to the State of New Jersey of the five muster rolls of Captain John Mott's company, third New Jersey regiment, Revolutionary War, now in the archives collection of this Commonwealth.

Return of muster rolls of the state of New Jersey.

Approved March 6, 1907.

RESOLVE TO PROVIDE FOR THE EXPENSES OF A RIFLE TEAM TO PARTICIPATE IN COMPETITIONS FOR NATIONAL AND OTHER TROPHIES.

Chap. 22

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, to be expended by the inspector general of small arms practice under the direction of the adjutant general in defraying the expenses of a rifle team to participate in the competitions for national and other trophies, to be held at such time and place as shall hereafter be determined.

Rifle team of the militia to take part in competitions.

Approved March 8, 1907.

- Chap. 23* RESOLVE TO AUTHORIZE THE PAYMENT OF AN ANNUITY FROM THE TREASURY OF THE COMMONWEALTH TO WILMA D. BENT.

Wilma D.
Bent.

Resolved, That, beginning with the first day of January in the year nineteen hundred and seven, there be allowed and paid out of the treasury of the Commonwealth to Wilma D. Bent, an annuity of one hundred and fifty dollars for the term of five years, payable in equal quarterly instalments, said Wilma D. Bent being the widow of George O. Bent, deceased, who was granted an annuity by the Commonwealth for injuries received by him at the reformatory prison for women which finally resulted in his death.

Approved March 8, 1907.

- Chap. 24* RESOLVE TO PROVIDE FOR AN EXAMINATION OF THE GENERAL LAWS RELATING TO SAVINGS BANKS.

General laws
relating to
savings banks.

Resolved, That the bank commissioner, the treasurer and receiver general and the commissioner of corporations be authorized to examine carefully the general laws of this Commonwealth relating to savings banks, and to suggest to the next general court within the first ten days of its session any changes in form or substance that may seem to them desirable. The total expense under this resolve shall not exceed five hundred dollars, to be allowed and paid out of the treasury of the Commonwealth.

Approved March 12, 1907.

- Chap. 25* RESOLVE TO PROVIDE FOR A SURVEY OF ROCK HARBOR IN THE TOWN OF ORLEANS.

Survey of
Rock harbor
in Orleans.

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to make a survey of Rock harbor in the town of Orleans and to report thereon to the general court at the present session, with such estimates of the cost of widening, straightening and deepening the channel of the said harbor as the board may deem advisable. For the purposes of this resolve the board may spend a sum not exceeding two hundred dollars.

Approved March 13, 1907.

RESOLVE TO PROVIDE FOR REIMBURSING CERTAIN MEMBERS OF
THE MASSACHUSETTS VOLUNTEER MILITIA FOR PERSONAL
PROPERTY DESTROYED BY FIRE. *Chap. 26*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth such sum as may be necessary for the purpose of reimbursing the members of company M, sixth regiment of infantry, Massachusetts volunteer militia, for personal clothing destroyed by fire in their armory in the town of Milford while said members were on duty in camp at South Framingham, to be expended under the direction of the adjutant general but not to exceed the sum of two hundred and twenty-three dollars.

Reimbursing
members of
the militia
for property
destroyed by
fire.

Approved March 14, 1907.

RESOLVE TO AUTHORIZE THE PAYMENT OF AN ANNUITY TO
CARRIE ADELIA CHAPLIN. *Chap. 27*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the guardian of Carrie Adelia Chaplin, a daughter of Nathaniel W. Chaplin who served in the civil war as a member of company A, twenty-third regiment, Massachusetts volunteer infantry, and who died on the eighth day of July in the year eighteen hundred and seventy-four, an annuity of seventy-two dollars, payable in equal quarterly instalments.

Carrie Adelia
Chaplin.

Approved March 16, 1907.

RESOLVE IN FAVOR OF THE HEIRS OF JOHN ATKINSON, LATE OF
NORTHAMPTON. *Chap. 28*

Resolved, That the probate court of the county of Hampshire may, upon the petition of any person interested and after public notice, order that all money or the proceeds thereof now deposited or invested by its authority in favor of certain of the heirs of the said John Atkinson shall be distributed among those heirs of said John Atkinson who were living on the sixteenth day of December, eighteen hundred and ninety-three, the date of the order of distribution by said court, and who received and receipted for their distributive shares, or to their representatives in the manner provided by chapter one hundred and forty of the Revised Laws and all acts in addition thereto or in amendment thereof.

Heirs of John
Atkinson, of
Northampton.

Approved March 19, 1907.

Chap. 29 RESOLVE TO CONFIRM THE ACTS OF EDWARD S. UNDERWOOD AS A JUSTICE OF THE PEACE AND NOTARY PUBLIC.

Acts of
Edward S.
Underwood,
justice of the
peace and
notary public,
confirmed.

Resolved, That the acts of Edward S. Underwood as a justice of the peace and as a notary public, between the fourteenth day of December in the year nineteen hundred and six and the sixteenth day of January in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said offices.

Approved March 20, 1907.

Chap. 30 RESOLVE TO CONFIRM CERTAIN ACTS OF CHARLES W. KINGMAN AS A JUSTICE OF THE PEACE.

Acts of Charles
W. Kingman,
justice of the
peace, con-
firmed.

Resolved, That the acts of Charles W. Kingman as a justice of the peace, between the twenty-second day of July in the year nineteen hundred and five and the twenty-second day of September in the year nineteen hundred and six, are hereby confirmed and made valid, to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved March 20, 1907.

Chap. 31 RESOLVE TO PROVIDE FURTHER FOR LOCATING, DEFINING AND MARKING THE BOUNDARY LINE BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF CONNECTICUT.

Boundary line
between
Massachusetts
and Connecti-
cut.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, in addition to the sum heretofore appropriated, for the purpose of paying the Commonwealth's share of the expense incurred in completing the work of locating, defining and marking the boundary line between the territory under the jurisdiction of the Commonwealth of Massachusetts and that under the jurisdiction of the state of Connecticut, as provided by chapter forty-six of the resolves of the year nineteen hundred and five.

Approved March 20, 1907.

RESOLVE TO PROVIDE FOR A SURVEY BY THE BOARD OF HARBOR AND LAND COMMISSIONERS OF THE ENTRANCE TO SESUIT HARBOR IN THE TOWN OF DENNIS. *Chap. 32*

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to make a survey of the entrance to Sesuit harbor in the town of Dennis, with a view to improving the same by the construction of jetties or otherwise, and to report thereon to the next general court. For the purposes of this resolve the board may expend a sum not exceeding two hundred dollars.

Survey of
Sesuit harbor
in Dennis.

Approved March 20, 1907.

RESOLVE IN FAVOR OF ELLA RAYMOND.

Chap. 33
Ella Raymond.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth an annuity of three hundred dollars to Ella Raymond of Malden, formerly of Lowell, whose husband was rendered unable to labor by injuries received in the discharge of militia duty at Framingham. Said annuity shall begin on the first day of January in the year nineteen hundred and seven, shall be paid quarterly, and shall continue for the term of five years should said Ella Raymond so long survive.

Approved March 20, 1907.

RESOLVE TO PROVIDE FOR THE ERECTION OF A MONUMENT IN THE NATIONAL CEMETERY AT NEWBERN, NORTH CAROLINA. *Chap. 34*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of five thousand dollars, to be expended under the direction of the governor and council for the erection of a suitable monument in the national cemetery at Newbern, North Carolina, in memory of the members of the various regiments of Massachusetts troops who lost their lives in the North Carolina campaign during the civil war.

Erection of a
monument at
Newbern,
N. C.

Approved March 22, 1907.

RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE. *Chap. 35*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts Agricultural College the sum of four thousand dollars annually,

Massachusetts
Agricultural
College.

for providing the theoretical and practical education required by the charter of the college and the laws of the United States relating thereto, this sum to be in addition to any amount heretofore authorized for the same purpose.

Approved March 22, 1907.

- Chap. 36** RESOLVE TO PROVIDE FOR REIMBURSING THE MEXICAN CENTRAL RAILWAY COMPANY, LIMITED, FOR TAXES INADVERTENTLY ASSESSED.

Mexican Central Railway Company, Limited.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Mexican Central Railway Company, Limited, the sum of twenty-three thousand nine hundred three dollars and ninety-one cents, said sum being for taxes assessed, with interest on the same, as follows: — eighty-seven hundred four dollars and sixty cents with interest from June ten, nineteen hundred and four, to April first, nineteen hundred and seven, and twelve thousand sixty-two dollars and fifty cents, with interest from December twelve, nineteen hundred and four, to April first, nineteen hundred and seven, said taxes having been assessed by mistake, and having been paid by said company into the treasury of the Commonwealth.

Approved March 28, 1907.

- Chap. 37** RESOLVE RELATIVE TO THE PRISON CAMP AND HOSPITAL AT RUTLAND.

Prison camp and hospital at Rutland.

Resolved, That there be allowed and paid out of the State Prison Industries Fund a sum not exceeding twelve thousand five hundred dollars, to be expended by the board of prison commissioners for the following purposes: — For building an additional dormitory at the hospital prison for consumptives in Rutland, a sum not exceeding ten thousand dollars; and for building a dwelling house for the superintendent of the prison camp and hospital, a sum not exceeding twenty-five hundred dollars.

Approved March 29, 1907.

- Chap. 38** RESOLVE TO PROVIDE FOR PAINTING, REPAIRS AND NEW PLUMBING IN THE CELLS AT THE MASSACHUSETTS REFORMATORY.

Massachusetts reformatory.

Resolved, That there be allowed and paid out of the Massachusetts Reformatory Industries Fund a sum not exceeding twenty-five thousand five hundred dollars, to be

expended at the Massachusetts reformatory under the direction of the prison commissioners for the following purposes: — For painting the cell blocks and the interior of the cells, a sum not exceeding two thousand dollars; for renewing forges and anvils in the trade school, a sum not exceeding one thousand dollars; for repairing farm buildings, a sum not exceeding three thousand dollars; for repairing and refurnishing the houses of the superintendent and deputy superintendent, a sum not exceeding two thousand dollars; and for repairing and renewing the plumbing in the cells, a sum not exceeding seventeen thousand five hundred dollars.

Approved March 29, 1907.

RESOLVE TO AUTHORIZE THE BOARD OF PRISON COMMISSIONERS
TO DESTROY CERTAIN REPORTS AND RETURNS.

Chap. 39

Resolved, That the board of prison commissioners is hereby authorized to destroy such of the original reports and returns from which the annual reports of that board or the annual reports of the commissioners of prisons were prepared, as, in the opinion of said board, have no permanent value or interest.

Prison commissioners may destroy certain reports, etc.

Approved March 29, 1907.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE
AND EAR INFIRMARY.

Chap. 40

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts Charitable Eye and Ear Infirmary the sum of thirty-five thousand dollars, to be expended under the direction of the managers thereof for the charitable purposes of the infirmary during the year nineteen hundred and seven.

Massachusetts Charitable Eye and Ear Infirmary.

Approved March 30, 1907.

RESOLVE TO PROVIDE FOR PRINTING ADDITIONAL COPIES OF THE
ANNUAL REPORT OF THE SUPERINTENDENT FOR THE SUPPRESSION OF THE GYPSY AND BROWN TAIL MOTHS.

Chap. 41

Resolved, That there be printed thirty-five hundred additional copies of the annual report of the superintendent for the suppression of the gypsy and brown tail moths, the same to be distributed under the direction of said superintendent.

Report on suppression of the gypsy and brown tail moths.

Approved March 30, 1907.

- Chap. 42** RESOLVE RELATIVE TO PRINTING THE REPORT OF THE JOINT SPECIAL COMMITTEE APPOINTED TO REVISE, CONSOLIDATE AND ARRANGE THE GENERAL LAWS RELATING TO THE OBSERVANCE OF THE LORD'S DAY.

Report of
committee on
Lord's day
laws.

Resolved, That there be printed fifteen hundred copies of the report of the joint special committee appointed to revise, consolidate and arrange the general laws of the Commonwealth relating to the observance of the Lord's day, the same to be in addition to the number of said reports printed as a house document, and to be distributed under the direction of the sergeant-at-arms.

Approved April 3, 1907.

- Chap. 43** RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE LYMAN SCHOOL FOR BOYS.

Lyman school
for boys.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the trustees of the Lyman and industrial schools, the sum of twenty-five hundred dollars, for providing and installing a new steam pump, water pipes and a tank at the Lyman school for boys.

Approved April 6, 1907.

- Chap. 44** RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

New England
Industrial
School for
Deaf Mutes.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the New England Industrial School for Deaf Mutes the sum of thirty-five hundred dollars, the same to be paid upon the approval of the state board of education to the trustees of said school and to be expended under the direction of said trustees for the educational purposes of the school for the year nineteen hundred and seven. The trustees shall report to the state board of education the expenditures made under authority of this resolve.

Approved April 13, 1907.

- Chap. 45** RESOLVE TO AUTHORIZE THE STATE BOARD OF CHARITY TO PREPARE AND PUBLISH A MANUAL OF LAWS CONCERNING THE CHARITIES OF THE COMMONWEALTH.

Manual of laws
concerning
charities.

Resolved, That the state board of charity is hereby authorized to prepare and publish a manual of laws concerning the charities of the Commonwealth, at an expense not exceeding five hundred dollars. *Approved April 13, 1907.*

RESOLVE RELATIVE TO THE JAMESTOWN TER-CENTENNIAL EX-
POSITION. *Chap. 46*

Resolved, That, for the purposes specified in chapter sixty-five of the resolves of the year nineteen hundred and six relative to the participation of the Commonwealth of Massachusetts in the Jamestown ter-centennial exposition, the sum of ten thousand dollars may be expended by the governor and council in accordance with the provisions of said resolve, in addition to the amount heretofore authorized. Any money received by the Jamestown exposition managers for Massachusetts from the sale of property belonging to the Commonwealth after the close of the exposition shall be paid into the treasury of the Commonwealth.

Jamestown
Ter-Centennial
Exposition.

Approved April 13, 1907.

RESOLVE IN FAVOR OF LOUIS BENJAMIN SMITH.

Chap. 47

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Louis Benjamin Smith of Athol the sum of twenty-five hundred dollars, in full compensation for an injury, resulting in the loss of an eye, which was received by him in June, nineteen hundred and six, while serving as a member of Company E, second regiment of infantry, Massachusetts volunteer militia, at the camp ground in Framingham. *Approved April 18, 1907.*

Louis
Benjamin
Smith.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF
BARNSTABLE. *Chap. 48*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Barnstable for the year nineteen hundred and seven: —

County tax,
Barnstable.

For interest on county debt, a sum not exceeding one thousand five hundred dollars.

For reduction of county debt, a sum not exceeding two thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding six thousand dollars.

For clerical assistance in county offices, a sum not exceeding one thousand two hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding six thousand dollars.

For salaries of jailers, masters and assistants, and sup-

County tax,
Barnstable.

port of prisoners in jails and houses of correction, a sum not exceeding three thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding four thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding two thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding one thousand seven hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding one thousand six hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twelve thousand five hundred dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of thirty-four thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

Chap. 49 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BERKSHIRE.

County tax,
Berkshire.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Berkshire for the year nineteen hundred and seven: —

For interest on county debt, a sum not exceeding three thousand dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding fourteen thousand dollars.

County tax,
Berkshire.

For clerical assistance in county offices, a sum not exceeding four thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-three thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-six thousand dollars.

For criminal costs in the superior court, a sum not exceeding seven thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding six thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twenty thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding two thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand two hundred forty-three dollars and seventy-two cents.

For the care and maintenance of the Greylock state reservation, a sum not exceeding one thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and two thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

Chap. 50 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF
BRISTOL.

County tax,
Bristol.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Bristol for the year nineteen hundred and seven: —

For interest on county debt, a sum not exceeding thirty thousand dollars.

For reduction of county debt, a sum not exceeding sixty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-four thousand dollars.

For clerical assistance in county offices, a sum not exceeding thirteen thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-two thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ninety thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-one thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding seven thousand dollars.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-four thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-two thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twenty-five thousand dollars.

For law libraries, a sum not exceeding five thousand dollars.

For truant schools, a sum not exceeding six thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby

authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and eight thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF DUKES
COUNTY.

Chap. 51

Resolved, That the following sums are hereby appropriated for the expenses of the county of Dukes County for the year nineteen hundred and seven: —

County tax,
Dukes County.

For interest on county debt, a sum not exceeding one hundred and fifty dollars.

For reduction of county debt, a sum not exceeding one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding two thousand two hundred dollars.

For clerical assistance in county offices, a sum not exceeding three hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding nine hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding five hundred dollars.

For criminal costs in the superior court, a sum not exceeding six hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding seven hundred and fifty dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two hundred dollars.

For auditors, masters and referees, a sum not exceeding two hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two hundred and fifty dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding one thousand seven hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of eight thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

Chap. 52 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF ESSEX.

County tax,
Essex.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Essex for the year nineteen hundred and seven:—

For interest on county debt, a sum not exceeding twenty-eight thousand five hundred dollars.

For reduction of county debt, a sum not exceeding fifty-one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-four thousand one hundred dollars.

For clerical assistance in county offices, a sum not exceeding seventeen thousand three hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding fifty-four thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding sixty-four thousand dollars.

For criminal costs in the superior court, a sum not exceeding thirty thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding thirty thousand dollars.

For trial justices, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding nine hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding eleven thousand dollars.

For auditors, masters and referees, a sum not exceeding four thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding seventeen thousand dollars.

For fuel, lights and supplies in county buildings, other

than jails and houses of correction, and for care of the same, a sum not exceeding twenty thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty thousand nine hundred dollars.

For law libraries, a sum not exceeding five thousand five hundred dollars.

For truaut schools, a sum not exceeding sixteen thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and eighty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF FRANKLIN. *Chap. 53*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Franklin for the year nineteen hundred and seven: —

County tax,
Franklin.

For interest on county debt, a sum not exceeding nine hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seven thousand dollars.

For clerical assistance in county offices, a sum not exceeding two thousand four hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding eight thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eleven thousand dollars.

For criminal costs in the superior court, a sum not exceeding three thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding seven thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of

the insane, a sum not exceeding one thousand two hundred dollars.

For auditors, masters and referees, a sum not exceeding five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding three thousand seven hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twelve thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand two hundred ninety dollars and fifty-three cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of fifty-one thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes. *Approved April 18, 1907.*

Chap. 54 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPDEN.

County tax,
Hampden.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampden for the year nineteen hundred and seven:—

For interest on county debt, a sum not exceeding fifteen thousand dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding eighteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding seven thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-six thousand dollars.

For salaries of jailers, masters and assistants, and sup-

port of prisoners in jails and houses of correction, a sum not exceeding twenty-eight thousand dollars. County tax, Hampden.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding sixteen thousand dollars.

For trial justices, a sum not exceeding five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand dollars.

For auditors, masters and referees, a sum not exceeding four thousand dollars.

For building county buildings, a sum not exceeding twenty-five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding thirty thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twelve thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding eighteen thousand dollars.

For law libraries, a sum not exceeding two thousand five hundred dollars.

For truant schools, a sum not exceeding six thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding eight thousand five hundred forty-two dollars and ninety-one cents.

For the care and maintenance of the Mount Tom state reservation, a sum not exceeding three thousand four hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and eighty-four thousand two hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

Chap. 55 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

County tax,
Hampshire.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampshire for the year nineteen hundred and seven: —

For salaries of county officers and assistants, fixed by law, a sum not exceeding nine thousand dollars.

For clerical assistance in county offices, a sum not exceeding four thousand one hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding ten thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifteen thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars.

For auditors, masters and referees, a sum not exceeding five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five thousand dollars.

For highways, bridges and land damages, a sum not exceeding twelve thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand sixty-two dollars and thirty-two cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of

fifty thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF MIDDLESEX. *Chap. 56*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Middlesex for the year nineteen hundred and seven:—

For interest on county debt, a sum not exceeding forty thousand dollars.

For reduction of county debt, a sum not exceeding forty-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-nine thousand dollars.

For clerical assistance in county offices, a sum not exceeding seventy thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding ninety-two thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred and forty-five thousand dollars.

For criminal costs in the superior court, a sum not exceeding fifty thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding sixty-five thousand dollars.

For trial justices, a sum not exceeding five thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding five hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding fifteen thousand dollars.

For auditors, masters and referees, a sum not exceeding ten thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding forty thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding sixty thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty-five thousand dollars.

County tax,
Middlesex.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding twenty-nine thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand fifteen dollars and seventy-three cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of six hundred and fifteen thousand three hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

Chap. 57 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF NORFOLK.

County tax,
Norfolk.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Norfolk for the year nineteen hundred and seven:—

For interest on county debt, a sum not exceeding fifteen thousand dollars.

For reduction of county debt, a sum not exceeding twenty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding nineteen thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding twenty-one thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-six thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty-three thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding twenty-one thousand five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-five thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand dollars.

For auditors, masters and referees, a sum not exceeding seven thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-five thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twenty thousand dollars.

For truant schools, a sum not exceeding four thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand three hundred thirty-nine dollars and thirty-seven cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred and seventy thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF
PLYMOUTH. *Chap. 58*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Plymouth for the year nineteen hundred and seven:—

County tax,
Plymouth.

For interest on county debt, a sum not exceeding four thousand five hundred dollars.

For reduction of county debt, a sum not exceeding eighteen thousand three hundred twenty-five dollars and sixty-five cents.

For salaries of county officers and assistants, fixed by law, a sum not exceeding eleven thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding seven thousand two hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-one thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding nineteen thousand dollars.

County tax,
Plymouth.

For criminal costs in the superior court, a sum not exceeding eighteen thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding ten thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding four thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding eight thousand dollars.

For truant schools, a sum not exceeding two thousand three hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand four hundred ninety-four dollars and seventy-nine cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and twenty-two thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

Chap. 59 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER.

County tax,
Worcester.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Worcester for the year nineteen hundred and seven:—

For interest on county debt, a sum not exceeding nine thousand dollars.

For reduction of county debt, a sum not exceeding forty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-six thousand dollars.

For clerical assistance in county offices, a sum not exceeding thirty-eight thousand dollars. County tax Worcester.

For salaries and expenses of district and police courts, a sum not exceeding fifty-two thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifty thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-two thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-four thousand dollars.

For trial justices, a sum not exceeding two thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding eight hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding twelve thousand dollars.

For auditors, masters and referees, a sum not exceeding nine thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-four thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty thousand dollars.

For truant schools, a sum not exceeding ten thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding sixteen thousand four hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 18, 1907.

RESOLVE IN FAVOR OF RICHARD H. HANSON.

Chap. 60

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Richard H. Hanson of Boston the sum of one hundred and fifty dollars, in full

Richard H.
Hanson.

compensation for the loss of a horse owned by him, the said horse having died on account of injuries received while in use by a member of the state militia at the state camp at Framingham in July, nineteen hundred and six.

Approved April 18, 1907.

- Chap. 61** RESOLVE TO AUTHORIZE THE SERGEANT-AT-ARMS TO DISPOSE OF CERTAIN LEGISLATIVE DOCUMENTS NOW STORED IN THE STATE HOUSE.

Sergeant-at-arms to dispose of certain documents.

Resolved, That the sergeant-at-arms is hereby authorized and instructed to make such disposition of the legislative documents and other documents in his charge now stored in the state house as he may deem advisable, subject to the approval of the clerks of the senate and house of representatives.

Approved April 18, 1907.

- Chap. 62** RESOLVE RELATIVE TO PRINTING THE REPORT OF THE COMMISSION TO INVESTIGATE MEASURES FOR THE RELIEF OF CONSUMPTIVES.

Report of commission on relief of consumptives.

Resolved, That there be printed as a senate document three thousand copies of the report of the commission to investigate measures for the relief of consumptives, the same to be distributed under the direction of the sergeant-at-arms.

Approved April 18, 1907.

- Chap. 63** RESOLVE RELATIVE TO A SAFEGUARD IN THE MERRIMAC RIVER IN THE CITY OF LAWRENCE.

Safeguard in the Merrimac river at Lawrence.

Resolved, That the board of harbor and land commissioners is hereby directed to report to the general court, not later than the fifteenth day of May in the current year, what should be the construction of a safeguard, to be placed in the Merrimac river in the city of Lawrence immediately above the dam of the Essex Company, in order to prevent boats and persons from being carried over the said dam. For the purposes of this resolve the board may expend a sum not exceeding one hundred dollars.

Approved April 18, 1907.

RESOLVE TO PROVIDE FOR AN INQUIRY BY THE COMMISSION ON INDUSTRIAL EDUCATION INTO THE ORGANIZATION AND METHODS OF THE TEXTILE SCHOOLS OF THE COMMONWEALTH. *Chap. 64*

Resolved, That the commission on industrial education is hereby directed to inquire into the organization and methods of the several textile schools in the Commonwealth, and such other matters in relation to them as it may deem important, and to report to the next general court its findings and such recommendations as to it may seem proper for the improvement of the said schools, and also to report what proportion of the expenses thereof should be contributed by the Commonwealth. Industrial education, etc.

Approved April 24, 1907.

RESOLVE RELATIVE TO THE CUSTODY OF THE RECORDS AND PLANS OF THE PROPRIETORS OF REHOBOTH. *Chap. 65*

Resolved, That all records and plans of the Proprietors of Rehoboth shall, under the direction of the commissioner of public records, be deposited in the registry of deeds for the northern district of the county of Bristol. Records, etc., of the Proprietors of Rehoboth.

Approved April 24, 1907.

RESOLVES IN FAVOR OF THE NEW BEDFORD TEXTILE SCHOOL. *Chap. 66*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of fifteen thousand dollars, to be expended by the Trustees of the New Bedford Textile School for the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence has been furnished to the auditor of accounts that an additional sum of seven thousand dollars has been paid to the said trustees by the city of New Bedford or received by them from other sources. The city of New Bedford is hereby authorized to raise by taxation and pay to said trustees such sum of money, not exceeding seven thousand dollars, as may be necessary to secure the amount provided for by this resolve. New Bedford Textile School.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the aforesaid trustees a further sum of three thousand dollars, to be expended under their direction in equipping an addition recently erected for the use of said school.

Approved May 3, 1907.

Chap. 67 RESOLVE IN FAVOR OF THE BRADFORD DURFEE TEXTILE SCHOOL OF FALL RIVER.

Bradford
Durfee Textile
School of
Fall River.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of The Bradford Durfee Textile School of Fall River the sum of fifteen thousand dollars, to be applied to the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that an additional sum of five thousand dollars has been paid to said trustees by the city of Fall River or has been received by them from other sources. The city of Fall River is hereby authorized to raise by taxation and pay to said trustees such a sum of money, not exceeding five thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Approved May 3, 1907.

Chap. 68 RESOLVE IN FAVOR OF THE LOWELL TEXTILE SCHOOL.

Lowell Textile
School.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of the Lowell Textile School the sum of twenty-nine thousand dollars, to be applied to the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that an additional sum of eight thousand dollars has been paid to said trustees by the city of Lowell, or has been received by them from other sources. The city of Lowell is hereby authorized to raise by taxation and pay to said trustees such a sum of money, not exceeding eight thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Approved May 3, 1907.

Chap. 69 RESOLVE TO PROVIDE FOR THE VENTILATION OF THE LABORATORIES AND CLASS ROOMS OF THE LOWELL TEXTILE SCHOOL.

Ventilation of
laboratories at
the Lowell
Textile School.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of the Lowell Textile School the sum of five thousand eight hundred forty-three dollars and sixty-eight cents, being

the amount expended by them in installing a system of ventilation of the class rooms and laboratories of the school as ordered by the chief of the district police.

Approved May 3, 1907.

RESOLVE IN FAVOR OF ADAM J. RAUSCH.

Chap. 70

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Adam J. Rausch of Lawrence the sum of two thousand dollars, in full compensation for injuries sustained and expenses incurred by him as the result of an assault upon him with a dangerous weapon on the fourteenth day of October, nineteen hundred and six, while he was in the discharge of his duty as a fish and game deputy of the Commonwealth.

Adam J.
Rausch.

Approved May 3, 1907.

RESOLVE IN FAVOR OF HUGH ARMSTRONG.

Chap. 71

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Hugh Armstrong of Lowell the sum of five hundred dollars, in full compensation for injuries received by him while at work at the state hospital at Tewksbury in July of the year nineteen hundred and six, and to reimburse him for the expenses to which he was put on account of the said injuries.

Hugh Arm-
strong.

Approved May 3, 1907.

RESOLVE TO PROVIDE FOR AN ADDITIONAL APPROPRIATION FOR THE ENFORCEMENT OF THE FISH AND GAME LAWS.

Chap. 72

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand four hundred dollars, to be expended by the commissioners on fisheries and game for the enforcement of the fish and game laws; this sum to be in addition to the sum heretofore appropriated for the same purpose.

Enforcement
of fish and
game laws.

Approved May 3, 1907.

RESOLVE RELATIVE TO THE DISTRIBUTION OF COPIES OF THE OFFICIAL OPINIONS OF THE ATTORNEY-GENERAL, AND TO PROVIDE FOR ADDITIONAL COPIES OF THE SAME.

Chap. 73

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand five hundred dollars for printing additional copies

Distribution
of official
opinions of the
attorney-
general, etc.

of the official opinions of the attorney-general, published under the authority of chapter eighteen of the resolves of the year nineteen hundred and six, and that upon application each member and each officer of the general court of the current year be allowed two copies of the same.

Approved May 3, 1907.

Chap. 74 RESOLVE TO PROVIDE FOR THE PURCHASE OF FULL DRESS UNIFORMS FOR THE MILITIA.

Dress uniforms
for the
militia.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of ninety-seven thousand five hundred dollars for the purpose of providing a full dress uniform for the militia, subject to the provisions of section ninety-two of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five.

Approved May 3, 1907.

Chap. 75 RESOLVE TO PROVIDE FOR PRINTING ADDITIONAL COPIES OF THE REPORT OF THE COMMISSION ON INDUSTRIAL EDUCATION.

Report of
commission on
industrial
education.

Resolved, That there be printed twelve hundred additional copies of the report of the commission on industrial education, for the use of said commission.

Approved May 3, 1907.

Chap. 76 RESOLVE TO PROVIDE FOR THE ENLARGEMENT OF THE HOSPITAL FOR LEPERS ON PENIKESSE ISLAND.

Enlargement
of hospital
for lepers on
Penikese
island.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight thousand five hundred dollars, to be expended by the state board of charity at the Penikese hospital for lepers for a new building and for constructing a heating apparatus in the present administration building.

Approved May 3, 1907.

Chap. 77 RESOLVE TO PROVIDE FOR PRINTING ADDITIONAL COPIES OF THE REPORT ON THE BIRDS OF THE COMMONWEALTH.

Report on
birds of the
Common-
wealth.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding twenty-five hundred dollars for printing five thousand additional copies of the report on the birds of the Commonwealth. From the copies so printed each member and each elective officer of the general court for the year nineteen hundred and seven shall receive ten copies, and

each assistant clerk of the general court, the doorkeepers, messengers and pages shall receive one copy. Copies may be sold by the secretary of the state board of agriculture at a price not less than the cost thereof, and additional copies may be printed for sale at the discretion of the secretary, the expense thereof to be paid from the receipts from such sales. Any amount received from sales shall be paid into the treasury of the Commonwealth.

Approved May 8, 1907.

RESOLVE TO CONFIRM THE ACTS OF G. WALLACE TIBBETTS AS A JUSTICE OF THE PEACE. *Chap. 78*

Resolved, That the acts of G. Wallace Tibbetts, formerly of Malden but now of Boston in the county of Suffolk, as a justice of the peace between the fifteenth day of November in the year nineteen hundred and six and the eighth day of April in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Acts of G.
Wallace
Tibbetts,
justice of the
peace, con-
firmed.

Approved May 9, 1907.

RESOLVE TO CONFIRM THE ACTS OF JEREMIAH F. MCCARTHY AS A JUSTICE OF THE PEACE. *Chap. 79*

Resolved, That the acts of Jeremiah F. McCarthy as a justice of the peace, between the nineteenth day of January in the year nineteen hundred and five and the seventeenth day of April in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Acts of
Jeremiah F.
McCarthy,
justice of the
peace, con-
firmed.

Approved May 9, 1907.

RESOLVE TO CONFIRM THE ACTS OF SAMUEL J. MILES AS A JUSTICE OF THE PEACE. *Chap. 80*

Resolved, That the acts of Samuel J. Miles as a justice of the peace, between the twenty-third day of February in the year nineteen hundred and six and the seventeenth day of March in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Acts of
Samuel J.
Miles, justice of
the peace,
confirmed.

Approved May 9, 1907.

Chap. 81 RESOLVE TO CONFIRM THE ACTS OF VAN COURTLANDT LAWRENCE AS A NOTARY PUBLIC.

Acts of Van Courtlandt Lawrence, notary public, confirmed.

Resolved, That the acts of Van Courtlandt Lawrence as a notary public, between the fourteenth day of February and the second day of April in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Approved May 10, 1907.

Chap. 82 RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT BY THE BOARD OF RAILROAD COMMISSIONERS CONCERNING THE EQUALIZATION OF PASSENGER FARES UPON RAILROADS.

Report concerning equalization of passenger fares on railroads.

Resolved, That the board of railroad commissioners is hereby directed to investigate the matter of fares charged for passenger transportation upon railroads within the Commonwealth, and to report what changes, if any, are required to remove inequalities therein and to make the rates paid for travel upon such roads more uniform. Said board shall report to the next general court on or before the fifteenth day of January. *Approved May 14, 1907.*

Chap. 83 RESOLVE DIRECTING THE BOARD OF PRISON COMMISSIONERS TO INVESTIGATE THE SUBJECT OF THE RELOCATION OF THE STATE PRISON.

Relocation of the state prison.

Resolved, That the board of prison commissioners is hereby requested to investigate and report to the next general court on or before the second Wednesday of January as to the advisability of removing the state prison to Bridgewater, or to some other place in which available land is owned by the Commonwealth, as to the time that would be required for completing and equipping the prison for the reception of prisoners, and as to the expense of the same. *Approved May 16, 1907.*

Chap. 84 RESOLVE TO PROVIDE FOR AN INVESTIGATION OF THE WATER SUPPLY SYSTEM OF THE MEDFIELD INSANE ASYLUM.

Water supply system of the Medfield insane asylum.

Resolved, That the trustees of the Medfield insane asylum are hereby authorized to expend such sum as may be necessary, not exceeding two thousand dollars, in mak-

ing an investigation of the present water supply of said asylum and in finding a substitute or supplementary supply accordingly as the needs of the asylum may require. The trustees shall report to the next general court the result of their investigation, with such recommendations as they may deem advisable. *Approved May 17, 1907.*

RESOLVE TO COMPENSATE WELLINGTON T. COOKE FOR INJURIES *Chap. 85*
SUSTAINED IN THE MILITIA.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Wellington T. Cooke of Somerville the sum of five hundred dollars, in full compensation for injuries received and expenses incurred by him by reason of an accident occurring while he was a member of the state militia at the state camp in Westfield in July, nineteen hundred and five.

Wellington
T. Cooke.

Approved May 22, 1907.

RESOLVE TO PROVIDE FOR THE EXPENSE OF THE EXAMINATION BY THE MASSACHUSETTS HIGHWAY COMMISSION, OF *Chap. 86*
APPLICANTS FOR LICENSES TO OPERATE MOTOR VEHICLES FOR HIRE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, to be expended by the Massachusetts highway commission in giving examinations and tests to applicants for licenses to operate motor vehicles for hire under the provisions of section four of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three, as amended by section four of chapter three hundred and eleven of the acts of the year nineteen hundred and five.

Examination
of applicants
to operate
motor vehicles,
etc.

Approved May 24, 1907.

RESOLVE RELATIVE TO THE STATE PRINTING.

Chap. 87

Resolved, That the attorney-general, the secretary of the Commonwealth, the treasurer and receiver general, the auditor of accounts, the clerk of the senate and the clerk of the house of representatives are hereby directed to advertise for proposals for the execution of all the printing and binding for the several departments of the government of the Commonwealth, except office stationery and blank books, without printed headings, for a term of

State printing.

three or five years from the first day of July in the year nineteen hundred and seven. They shall take into consideration the circumstances and facilities of the several bidders for the work as well as the terms offered; they may reject any bids received, and they shall award the contract, to be based upon a working day of eight hours and equal pay for equal work performed by men and women, at such rates as they shall decide to be equitable between employer and employed, and to such bidder as in their judgment the interests of the Commonwealth may require; and they shall execute the contract in the name and behalf of the Commonwealth. Bonds satisfactory to the said officers, to an amount not less than ten thousand dollars, shall be given by the party to whom such contract is awarded, for the faithful performance of the contract.

Approved May 24, 1907.

Chap. 88 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WORCESTER INSANE ASYLUM.

Worcester insane asylum.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand five hundred dollars, to be expended at the Worcester insane asylum under the direction of the trustees thereof, for the following purposes: — For a road-making outfit, a sum not exceeding three thousand dollars; for sewage disposal at the colony, a sum not exceeding two thousand dollars; and for water supply at the colony, a sum not exceeding fifty-five hundred dollars.

Approved May 27, 1907.

Chap. 89 RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Massachusetts School for the Feeble-Minded.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of forty-nine thousand six hundred dollars, to be expended at the Massachusetts School for the Feeble-Minded under the direction of the trustees thereof, for the following purposes: — For an addition to the manual training building at Waltham, a sum not exceeding twenty-four thousand dollars; for additions to the hospital group of buildings at Waltham, a sum not exceeding ten thousand dollars; for additions to the laundry at Waltham, a sum not exceeding four thousand dollars; for replacing the wooden stairways

in the boys' three story dormitory at Waltham, with iron stairways, a sum not exceeding twenty-five hundred dollars; for electric lights for the farm group of buildings at Waltham, a sum not exceeding eleven hundred dollars; for the suppression of the brown tail and gypsy moths in the Waltham property, five thousand dollars; and in addition to the sum of five thousand dollars heretofore granted for constructing and furnishing two wooden houses for male employees at Waltham, a sum not exceeding three thousand dollars.

Approved May 27, 1907.

RESOLVE TO PROVIDE FOR THE CONSTRUCTION OF COAL POCKETS
FOR THE FOXBOROUGH STATE HOSPITAL.

Chap. 90

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand seven hundred dollars, to be expended at the Foxborough state hospital under the direction of the trustees thereof, for the construction of coal pockets for the use of said hospital.

Foxborough
state hospital.

Approved May 27, 1907.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Chap. 91

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand five hundred dollars, to be expended at the Massachusetts hospital for epileptics under the direction of the trustees thereof, for the following purposes:— For constructing silos, a sum not exceeding one thousand one hundred dollars; for alterations in old building, purchase and erection of feed water heater and bakery machinery, and for minor improvements, a sum not exceeding three thousand four hundred dollars; and for the erection of a stable for horses, a sum not exceeding six thousand dollars.

Massachusetts
hospital for
epileptics.

Approved May 27, 1907.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
NORTHAMPTON STATE HOSPITAL.

Chap. 92

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding nine thousand dollars, to be expended at the Northampton state hospital under the direction of the trustees thereof, for the following purposes:— For plumbing fixtures and material, a sum not exceeding two thousand dollars; for

Northampton
state hospital.

electric lights on the hospital grounds, a sum not exceeding twelve hundred dollars; for the purchase of cows, a sum not exceeding two thousand dollars; for machinery for the bakery, a sum not exceeding one thousand dollars; for lumber for an ice house, a sum not exceeding seven hundred dollars; and for the construction of a hot house, a sum not exceeding twenty-one hundred dollars, the same to be in addition to the fifteen hundred dollars authorized by chapter seventy-one of the resolves of the year nineteen hundred and five.

Approved May 27, 1907.

- Chap. 93** RESOLVE TO PROVIDE FOR AN INVESTIGATION AS TO THE ADVISABILITY OF ESTABLISHING A SYSTEM OF STATE OR MUNICIPAL DOCKS.

State or
municipal
docks.

Resolved, That the board of harbor and land commissioners is hereby directed to investigate and report to the next general court as to the cost and advisability of constructing and maintaining a system of metropolitan docks in the city of Boston, to be owned and controlled either by the Commonwealth or by the said city.

Approved May 28, 1907.

- Chap. 94** RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT RELATIVE TO THE CONSTRUCTION OF A WHARF OR PIER IN THE MAGNOLIA DISTRICT OF THE CITY OF GLOUCESTER.

Wharf or pier
in Magnolia,
city of
Gloucester.

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to investigate the advisability of authorizing the construction by private persons of a wharf or pier on the public landing place in the Magnolia district of the city of Gloucester, and to report thereon to the next general court not later than January fifteenth, nineteen hundred and eight.

Approved May 28, 1907.

- Chap. 95** RESOLVE TO PROVIDE FOR THE ERECTION OF A STABLE AT THE STATE COLONY FOR THE INSANE.

State colony
for the in-
sane.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand five hundred dollars, to be expended for the construction of a stable at the state colony for the insane, under the direction of the trustees thereof.

Approved May 29, 1907.

RESOLVE TO PROVIDE FOR THE REPRESENTATION OF THE COMMONWEALTH AT THE JAMESTOWN TER-CENTENNIAL EXPOSITION. *Chap. 96*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of the governor and council, to enable the Commonwealth to be represented at the Jamestown ter-centennial exposition by the following:— His excellency the governor, or his honor the lieutenant governor, and eight members of the governor's staff, three members of the executive council, the private secretary of the governor, the executive secretary, the president of the senate, the speaker of the house of representatives, the joint committee on federal relations, a joint special committee to consist of two members of the senate and five members of the house of representatives to be appointed by the presiding officers of the two branches, the clerk of the senate, the clerk of the house of representatives, the sergeant-at-arms, the doorkeeper of the senate, the doorkeeper of the house of representatives, and the secretary of the board of Jamestown Exposition Managers for Massachusetts. Any vacancies occurring in the joint committee on federal relations or in the joint special committee may be filled by the presiding officer of the branch in the representation of which such vacancies occur.

Jamestown
Ter-Centennial
Exposition.

Approved May 31, 1907.

RESOLVE TO CONFIRM THE ACTS OF T. H. GREELEY DEMOTT AS A JUSTICE OF THE PEACE. *Chap. 97*

Resolved, That the acts of T. H. Greeley Demott as a justice of the peace, between the twenty-seventh day of April in the year nineteen hundred and six and the first day of May in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Acts of
T. H. Greeley
Demott,
justice of
the peace,
confirmed.

Approved June 4, 1907.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS STATE SANATORIUM. *Chap. 98*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended at the Massachusetts

Massachusetts
state sana-
torium.

state sanatorium under the direction of the trustees thereof, for the following purposes:— For piazzas, a sum not exceeding two thousand dollars; for a recreation pavilion, a sum not exceeding two thousand dollars; for planting trees and general improvement of the grounds, a sum not exceeding five hundred dollars; and for the construction of a piggery, a sum not exceeding five hundred dollars, the same to be in addition to the five hundred dollars authorized by chapter eighty-three of the resolves of the year nineteen hundred and six. *Approved June 4, 1907.*

Chap. 99 RESOLVE TO CONFIRM THE ACTS OF EDWARD F. WOODS AS A JUSTICE OF THE PEACE.

Acts of
Edward F.
Woods,
justice of
the peace,
confirmed.

Resolved, That the acts of Edward F. Woods as a justice of the peace, between the first day of February in the year nineteen hundred and five and the thirtieth day of January in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Approved June 4, 1907.

Chap. 100 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AND TO AUTHORIZE THE PURCHASE AND SALE OF LAND AT THE DANVERS INSANE HOSPITAL.

Danvers in-
sane hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-eight thousand eight hundred dollars, to be expended at the Danvers insane hospital under the direction of the trustees thereof, for the following purposes:— For the construction of a water tower and for improvement of the fire service, a sum not exceeding fifteen thousand dollars: *provided*, that all water used by the Danvers insane hospital to supply such water tower or for such fire service shall be used subject to the provisions of chapter four hundred and sixty-nine of the acts of the year nineteen hundred and five, being "An Act to provide for supplying water to the Danvers insane hospital", as amended by chapter four hundred and forty-two of the acts of the year nineteen hundred and six; for the construction of two fireproof sun rooms and fire escapes as an addition to ward buildings, a sum not exceeding twenty thousand dollars; and for the purchase of twenty acres more or less of tillage land lying between the state land and the railroad, a sum not exceeding thirty-eight hundred dol-

lars; and the trustees of the Danvers insane hospital are hereby authorized to sell and convey, for a sum not less than six hundred dollars, a certain parcel of land detached from the hospital grounds and containing about three acres, the proceeds of such sale to be paid into the treasury of the Commonwealth.

Approved June 5, 1907.

RESOLVE RELATIVE TO THE COUNTY TAX FOR THE COUNTY OF
NORFOLK.

Chap.101

Resolved, That chapter fifty-seven of the resolves of the present year is hereby amended by striking out the word "two", in the thirtieth line of said chapter, as engrossed, and inserting in place thereof the word:— one, — so that the amount which the county commissioners of said county are authorized to levy as the county tax for the current year shall be one hundred and seventy thousand dollars instead of two hundred and seventy thousand dollars.

County tax,
Norfolk.

Approved June 7, 1907.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
STATE FARM.

Chap.102

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eleven thousand dollars, to be expended by the superintendent of the state farm under the direction of the trustees thereof, for the following purposes:— For an extension to the boiler room, a sum not exceeding two thousand dollars; and for the erection of a stable, a sum not exceeding nine thousand dollars.

State farm.

Approved June 7, 1907.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
STATE HOSPITAL.

Chap.103

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding eighteen thousand dollars, to be expended by the superintendent of the state hospital under the direction of the trustees thereof, for making an extension to the kitchen.

State hospital.

Approved June 7, 1907.

RESOLVE TO PROVIDE FOR A COMMISSION ON COMMERCE AND
INDUSTRY.

Chap.104

Resolved, That the governor, with the advice and consent of the council, shall within thirty days after the

Commission on
Commerce and
Industry.

passage of this resolve appoint a suitable commission of five persons, citizens of the Commonwealth representing law, transportation, manufactures, capital and labor, to serve without compensation, to be known as the Commission on Commerce and Industry. Said commission shall employ a clerk, whose salary shall be approved by the governor and council, and may employ experts and may incur such reasonable expenses, including travelling expenses, as may be authorized by the governor and council.

Estimates of
expense.

Before incurring any expense the commission shall from time to time estimate its probable amount and submit the estimate to the governor and council for their approval, and no expense shall be incurred by the commission beyond the amount so estimated and approved.

Report.

The commission shall report to the general court on or before the second Wednesday in January in the year nineteen hundred and eight, with such recommendations for legislation as it shall deem expedient. The powers of the commission shall terminate on the second Wednesday in January of said year.

Subject of
investigation.

The commission shall investigate the present condition and future possibilities of investment in the Commonwealth, the present condition and future possibilities of transportation and facilities connected with it, of manufactures, of industries, the effect of the relations of capital and labor or of local or state legislation upon such industries, and, in general, may pursue any line of investigation bearing upon the future of the industries of the Commonwealth. They shall consider what may be done whether by legislation, by executive action or by any other means for the exploitation and development of the industries of the Commonwealth, and may make such investigations as may be practicable through printed reports, and testimony of experts as to similar investigations in other states or by the United States government or by foreign governments.

Expenditure.

There may be expended from the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars to carry out the purposes of this resolve.

Approved June 10, 1907.

RESOLVE TO PROVIDE FURTHER FOR AN ADDITIONAL BUILDING *Chap.105*
AT THE SOLDIERS' HOME IN MASSACHUSETTS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of seventy-five thousand dollars, in addition to the sum provided in chapter seventy-seven of the resolves of nineteen hundred and five, to be expended under the direction of the Trustees of the Soldiers' Home in Massachusetts, located in Chelsea, for the construction and furnishing of an additional building of said institution for hospital purposes.

Soldiers'
Home.

Approved June 11, 1907.

RESOLVE TO CONFIRM THE ACTS OF REUBEN RING AS A JUSTICE *Chap.106*
OF THE PEACE.

Resolved, That the acts of Reuben Ring as a justice of the peace, between the fourteenth day of February and the twenty-second day of May in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Acts of
Reuben Ring,
justice of the
peace, con-
firmed.

Approved June 12, 1907.

RESOLVE TO PROVIDE FOR CERTAIN ADDITIONS AND IMPROVE- *Chap.107*
MENTS AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty-seven thousand four hundred dollars, to be expended at the Massachusetts Agricultural College, under the direction of the trustees thereof, for the following purposes: — For equipping a barn, stable and milk room, a sum not exceeding three thousand dollars; for the purchase of live stock for the barn, a sum not exceeding four thousand dollars; for equipping and furnishing Clark Hall, a sum not exceeding twenty-four thousand four hundred dollars; for a boiler for the heating and lighting plant, a sum not exceeding two thousand dollars; and for further equipment, maintenance and repairs and minor improvements, a sum not exceeding fourteen thousand dollars.

Massachusetts
Agricultural
College.

Approved June 15, 1907.

Chap. 108 RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE THE SUBJECT OF PUBLIC IMPROVEMENTS FOR THE METROPOLITAN DISTRICT.

Commission to investigate public improvements for the metropolitan district.

Resolved, That the governor, by and with the advice and consent of the council, shall appoint three persons, and the mayor of the city of Boston shall appoint two persons, who shall together constitute a commission of five for the purposes hereinafter named. The chairman of said commission shall be designated by the governor. The said appointees shall serve without compensation, and shall be persons of recognized qualifications and large experience in respect to one or more of the following subjects or professions, namely: finance, commerce, industry, transportation, real estate, architecture, engineering, civic administration and law. Said commission shall investigate and report as to the advisability of any public works in the metropolitan district which in its opinion will tend to the convenience of the people, the development of local business, the beautifying of the district, or the improvement of the same as a place of residence. It shall consider the establishment of a systematic method of internal communication by highways, the control or direction of traffic and transportation, and the location of such docks and terminals as the interests of the district may demand. It shall recommend the method of executing and paying for such improvements as it may suggest, and shall make such maps, plans and estimates of cost as may be needed for its investigation, or for the proper presentation of its conclusions, and may employ such assistants therefor as it deems necessary. The commission may expend such sums of money, not exceeding twenty-five thousand dollars, for clerical, expert and other assistance, and for other incidental expenses, as it deems necessary. The commission shall make its final report to the governor and to the mayor of Boston on or before the first day of December, nineteen hundred and eight, and its powers and duties shall then terminate. The governor shall transmit the report to the general court of the year nineteen hundred and nine. The expenses incurred under the provisions of this act shall be assessed upon the metropolitan parks district.

Report.

Approved June 15, 1907.

RESOLVE TO PROVIDE FOR DREDGING A CHANNEL NEAR ORIENT HEIGHTS IN BOSTON HARBOR.

Chap.109

Resolved, That the board of harbor and land commissioners is hereby directed to dredge a channel in Boston harbor from the pier of the Orient Heights Yacht Club at the foot of Bayswater street in East Boston, three hundred feet in a southwesterly direction to connect with the channel which now runs in a northerly direction from Belle Isle inlet to Thurston street in East Boston; said channel to be not less than thirty feet in width and five feet in depth at mean low water; and to dredge and improve said channel which now runs in a northerly direction from Belle Isle inlet, from the point where the channels may intersect to Belle Isle inlet so that the channel from Belle Isle inlet to the pier of the Orient Heights Yacht Club shall be of uniform depth and width. For this purpose the board may expend a sum not exceeding fifteen hundred dollars; but the board shall not begin the work hereby authorized until the owners of the flats release to the Commonwealth all claims for damages which might arise on account of said work. *Approved June 15, 1907.*

Dredging a channel near Orient Heights in Boston harbor.

RESOLVE TO PROVIDE FOR STRENGTHENING AND REPAIRING THE RIPRAP WORK ON THE BANK OF THE CONNECTICUT RIVER IN THE TOWN OF HADLEY.

Chap.110

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight thousand dollars, to be expended under the direction of the board of harbor and land commissioners for such protective works as may be found necessary and practicable to strengthen and repair the riprap work on the easterly bank of the Connecticut river on the northerly side of the village of Hadley. *Approved June 15, 1907.*

Repair of riprap work on the Connecticut river in Hadley.

RESOLVE TO PROVIDE FOR THE IMPROVEMENT OF SOUTH RIVER IN THE CITY OF SALEM.

Chap.111

Resolved, That the harbor and land commissioners are hereby directed to improve South river in the city of Salem from Union bridge to Lafayette street by dredging the same to an average depth of four and one half feet more than the present depth, with an average width of the river of

Improvement of South river in Salem.

one hundred feet, from a point two hundred feet eastward of the Union bridge to Lafayette street. For the above purpose the said commissioners may expend from the treasury of the Commonwealth a sum not exceeding five thousand dollars: *provided*, that there shall first be contributed for the same purpose by the city of Salem or from other sources a sum not less than three thousand dollars.

Approved June 15, 1907.

Chap.112 RESOLVE TO PROVIDE FOR A SURVEY OF WILD HARBOR AT NORTH FALMOUTH.

Survey of Wild
harbor at
North Fal-
mouth.

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to make such survey and examination as it may deem necessary of Wild harbor at North Falmouth, for the purpose of determining the best method and the cost of improving the same by building a breakwater at the entrance of the harbor, or otherwise, and to report thereon to the next general court. For the said purposes the board may expend a sum not exceeding one hundred and fifty dollars.

Approved June 17, 1907.

Chap.113 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WORCESTER INSANE HOSPITAL.

Worcester in-
sane hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen thousand six hundred dollars, to be expended at the Worcester insane hospital under the direction of the trustees thereof, for the following purposes:— For alterations in the old building over the coal pocket for bathrooms and workshops, and the purchase and installation of bathing apparatus, a sum not exceeding six thousand dollars; and for the construction of an iron staircase and elevator to the fourth story of the main building, a sum not exceeding seven thousand six hundred dollars.

Approved June 17, 1907.

Chap.114 RESOLVE TO PROVIDE FOR THE PURCHASE OF STOCK FOR THE WESTBOROUGH INSANE HOSPITAL.

Westborough
insane
hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen hundred dollars, to be expended by the trustees of the

Westborough insane hospital for the purchase of stock to replace that lost by the burning of the barn at said hospital during the year nineteen hundred and six.

Approved June 17, 1907.

RESOLVE TO PROVIDE FOR DREDGING A CHANNEL IN THE CONNECTICUT RIVER IN THE CITY OF HOLYOKE.

Chap.115

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to dredge a channel six feet deep at low water and not less than one hundred feet wide in the Connecticut river, from the foot of Appleton street in the city of Holyoke to a point near Willimansett bridge where the present channel has a depth of six feet at low water, and may expend therefor a sum not exceeding fifteen thousand dollars to be paid from the treasury of the Commonwealth: *provided, however*, that no part of said sum shall be expended until the United States has begun to improve the channel and locks in said river in order that vessels with a draft of not less than six feet may freely pass from the sea to the entrance of said proposed channel near Willimansett bridge.

Dredging a channel in the Connecticut river in Holyoke.

Proviso.

Approved June 17, 1907.

RESOLVE TO PROVIDE FOR THE IMPROVEMENT OF ROCK HARBOR IN THE TOWNS OF ORLEANS AND EASTHAM.

Chap.116

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to dredge and improve Rock harbor in the towns of Orleans and Eastham, and may expend therefor a sum not exceeding five thousand dollars from the treasury of the Commonwealth: *provided, however*, that no part of this sum shall be expended until the board has received, free of expense to the Commonwealth, releases from the owner or owners of the land and structures which might be injured or affected by the dredging or other improvements undertaken hereunder, holding the Commonwealth, its agents, and persons contracting with it harmless from any claim for damages that might be occasioned by or in any way due to the work herein authorized.

Improvement of Rock harbor in Orleans and Eastham.

Proviso.

Approved June 18, 1907.

Chap.117Jeremiah
McCarthy.

RESOLVE IN FAVOR OF JEREMIAH MCCARTHY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars to Jeremiah McCarthy of Milton, or his legal representatives, a veteran of the civil war who served in the seventh Massachusetts infantry, company D, to the credit of Taunton, and who never received a bounty for such service.

Approved June 19, 1907.

Chap.118Alexander K.
Ripley.

RESOLVE IN FAVOR OF ALEXANDER K. RIPLEY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars to Alexander K. Ripley of Bridgewater, a veteran of the civil war, who served in the United States army to the credit of the town of Kingston and who never received a bounty for such service. The said sum shall be paid only to the beneficiary named herein or to his executor or administrator.

Approved June 19, 1907.

Chap.119Lyman school
for boys.RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
LYMAN SCHOOL FOR BOYS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand one hundred and twenty-five dollars, to be expended at the Lyman school for boys, under the direction of the trustees of the Lyman and industrial schools, for the extension of the centralized heating system at said school.

Approved June 21, 1907.

Chap.120State indus-
trial school
for girls.RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
STATE INDUSTRIAL SCHOOL FOR GIRLS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-two thousand four hundred dollars, to be expended at the state industrial school for girls, under the direction of the trustees of the Lyman and industrial schools, for the following purposes:— For the construction of heaters in the several family houses, in order to provide a better supply of hot water for bathing, a sum not exceeding twenty-four hundred dollars; and for the construction and equipment of a new cottage at said school, a sum not exceeding thirty thousand dollars.

Approved June 21, 1907.

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT BY THE STATE BOARD OF CHARITY RELATIVE TO THE ESTABLISHMENT OF AN INDUSTRIAL SCHOOL FOR BOYS. *Chap.121*

Resolved, That the state board of charity is hereby instructed to investigate the needs of the establishment of an industrial school for boys for the industrial training, instruction and reformatory treatment of such boys as are now excluded from the Lyman school for boys by the age limit upon commitment thereto. The board shall consider proper sites for such a school and all matters incident thereto, and report to the next general court not later than January first, nineteen hundred and eight. Said report shall be accompanied by working plans, specifications, and at least three reliable estimates of its cost. The board may expend in carrying out the provisions of this resolve a sum not exceeding five hundred dollars.

Investigation and report as to the establishment of an industrial school for boys.

Approved June 21, 1907.

RESOLVE RELATIVE TO THE DEDICATION OF THE MASSACHUSETTS MONUMENT IN THE NATIONAL CEMETERY AT WINCHESTER, VIRGINIA. *Chap.122*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended under the direction of the governor and council for a proper representation of the Commonwealth at the dedication of the monument erected by the Commonwealth in the national cemetery at Winchester, Virginia, in memory of the Massachusetts soldiers who lost their lives in the campaign of the Shenandoah during the civil war. The Commonwealth shall be represented by the following officials: the governor and two members of his council, the secretary of the Commonwealth, the president of the senate, the speaker of the house, the senate chairman and the house chairman of the committee on military affairs, the committee of five veteran soldiers who assisted the governor and council in carrying out the resolve for the erection of the monument, being chapter fifty-three of the resolves of the year nineteen hundred and five, and two veterans, in addition, from each of the several regiments of Massachusetts troops which took part in the said campaign. *Approved June 21, 1907.*

Dedication of monument at Winchester, Virginia.

Chap.123 RESOLVES PROVIDING FOR SUBMITTING TO THE PEOPLE THE ARTICLE OF AMENDMENT TO THE CONSTITUTION AUTHORIZING THE GOVERNOR, WITH THE CONSENT OF THE COUNCIL, TO REMOVE JUSTICES OF THE PEACE AND NOTARIES PUBLIC.

Amendment
to the con-
stitution.

Resolved, That the following article of amendment to the constitution, having been agreed to by the last and present general courts, and published in the manner required by the constitution, be submitted to the people for their ratification and adoption: —

ARTICLE OF AMENDMENT TO THE CONSTITUTION AUTHORIZING THE GOVERNOR, WITH THE CONSENT OF THE COUNCIL, TO REMOVE JUSTICES OF THE PEACE AND NOTARIES PUBLIC

Removal of
justices of the
peace and
notaries public.

The governor, with the consent of the council, may remove justices of the peace and notaries public.

Vote upon
article of
amendment,
etc.

Resolved, That the people shall be assembled for the purpose aforesaid, in their respective polling places in the several cities and towns, in meetings to be legally warned, and held on Tuesday, the fifth day of November next, at which meetings all persons qualified to vote for state officers may give in their votes by ballot for or against said article of amendment; and the same officers shall preside in said meetings as in meetings for the choice of state officers, and shall in open meetings receive, sort, count and declare the votes for and against the said article of amendment; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out under the hands of the mayor and aldermen, and of the selectmen, or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up, and, within ten days after the said meetings, transmitted to the secretary of the Commonwealth. So far as the same can be made applicable, the provisions of law applicable to the election of state officers shall apply to the taking of the vote on said article of amendment.

Resolved, That every person qualified to vote as aforesaid may express his opinion on said article of amendment, and the following words shall be printed on the ballot, to wit: —

Shall the proposed amendment to the constitution authorizing the governor, with the consent of the council, to remove justices of the peace and notaries public be approved and ratified?

YES.	
NO.	

Question upon ballot.

And if said article shall appear to be approved by a majority of the persons voting thereon, it shall be deemed and taken to be ratified and adopted by the people.

Resolved, That his excellency the governor and the council shall forthwith open and examine the votes returned as aforesaid; and if it shall appear that said article of amendment has been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment and deposited in the secretary's office as a part of the constitution of the Commonwealth, and shall be published in immediate connection therewith, numbered according to its numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of the Commonwealth printed by public authority.

Return of votes, etc.

Resolved, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith after the examination of the votes returned as aforesaid, reciting said article of amendment and announcing that said article has been duly adopted and ratified by the people of the Commonwealth, and thus becomes a part of the constitution thereof, and requiring all magistrates and officers and all citizens of the Commonwealth to take notice thereof and govern themselves accordingly, or that said article of amendment has been rejected, as the case may be.

Governor to issue proclamation of result of vote.

Approved June 24, 1907.

RESOLVE TO PROVIDE FOR THE IMPROVEMENT OF ESSEX RIVER.

Chap. 124

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of the harbor and land commissioners for the improvement of Essex river, the same to be expended in conjunction with an equal amount appropriated by the congress of the United States for the same purpose.

Improvement of Essex river.

Approved June 24, 1907.

Chap.125 RESOLVE TO PROVIDE FOR THE IMPROVEMENT OF THE NEPONSET RIVER.

Improvement
of Neponset
river.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-four thousand two hundred and seventy dollars and forty-four cents, to be expended under the direction of the harbor and land commissioners in the improvement of that part of the Neponset river which lies above the Neponset highway bridge: *provided, however*, that no part of said amount shall be so expended until the United States shall have completed the improvement of Dorchester bay and the Neponset river to a point at the aforesaid Neponset highway bridge.

Approved June 24, 1907.

Chap.126 RESOLVE TO PROVIDE FOR DREDGING MANCHESTER HARBOR.

Dredging
Manchester
harbor.

Resolved, That the board of harbor and land commissioners is hereby directed to dredge and improve Manchester harbor between Point of Rocks and the railroad bridge, within the lines of the survey made by the engineers of the United States war department. For this purpose the board may expend a sum not exceeding eight thousand dollars, to be paid out of the treasury of the Commonwealth: *provided*, that the town of Manchester shall appropriate the sum of twenty-five hundred dollars for the purpose of dredging from said railroad bridge to the town wharf.

Approved June 24, 1907.

Chap.127 RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT RELATIVE TO THE ADOPTION OF A SYSTEM OF OLD AGE INSURANCE AND PENSIONS.

Investigation
of systems of
old age in-
surance and
pensions.

Resolved, That the governor, with the advice and consent of the council, is hereby authorized and requested to appoint a commission consisting of five persons, citizens of the Commonwealth, one of whom he shall designate as chairman, to investigate and consider the various systems of old age insurance or old age pensions, or annuities, proposed or in operation in this Commonwealth or elsewhere, and report upon the advisability of establishing an old age insurance or pension system in this Commonwealth. Said commission shall report also statistics showing the probable expense to the Commonwealth of the various systems considered, and of any system that they may recommend for

adoption, together with any bills or other suggestions for legislation relating to this subject that they may deem wise. At least one of said commissioners shall be a prominent representative of employers, and at least one of said commissioners shall be a prominent representative of employees. Said commissioners shall serve without pay and shall not be authorized to travel outside of the Commonwealth, but they may incur such expense for assistance or otherwise as may be allowed by the governor and council. The commission shall report the result of its investigations to the general court on or before the fifteenth day of January in the year nineteen hundred and nine, together with such drafts of bills, if any, as may be necessary to carry its recommendations into effect. The total expense to be incurred under the provisions of this resolve shall not exceed twenty-five hundred dollars.

Report.

Approved June 26, 1907.

RESOLVE IN FAVOR OF THE WIDOW OF FRANCIS O. DAHLQUIST.

Chap.128

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Maria C. Dahlquist, widow of Francis O. Dahlquist late a member of the house of representatives from the eighteenth Worcester representative district, the salary to which he would have been entitled had he lived until the end of the present session.

Widow of
Francis O.
Dahlquist.

Approved June 28, 1907.

RESOLVE TO PROVIDE FOR A REVISION OF THE LAWS RELATIVE TO TAXATION.

Chap.129

Resolved, That a commission, to be called the commission on taxation, shall investigate the whole subject of taxation in this Commonwealth, including state, county and municipal taxes, and shall codify, revise, and amend the laws relating thereto, and shall report in print to the general court on or before the first day of December, in the year nineteen hundred and seven, with such recommendations for legislation as it may deem expedient. The commission shall have a room in the state house assigned for its use; is authorized to employ such assistance, clerical or otherwise, as it may require; and shall receive such sums for its compensation and such amounts for its expenses, travelling and otherwise, necessarily incurred, as shall be allowed by the governor and council. It shall give such

Revision of
laws relative
to taxation.

public hearings as it deems necessary. The commission shall be constituted as follows: two members of the present senate to be appointed by the president of the senate; four members of the present house of representatives to be appointed by the speaker of the house; and three persons, experts on the subject of taxation, who shall be appointed by the governor. The report of said commission shall be printed by the Commonwealth, and a copy thereof shall be mailed in the month of December, nineteen hundred and seven, to each person elected to the general court for the year nineteen hundred and eight.

Approved June 28, 1907.

Chap.130 RESOLVE TO CONFIRM THE ACTS OF WILLIAM M. ROBINSON AS
A JUSTICE OF THE PEACE.

Acts of
William M.
Robinson,
justice of the
peace, con-
firmed.

Resolved, That the acts of William M. Robinson of Boston as a justice of the peace, between the twenty-fourth day of October in the year nineteen hundred and six and the twelfth day of June in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office. *Approved June 28, 1907.*

Chap.131 RESOLVE TO CONFIRM THE ACTS OF ARTHUR J. WELLINGTON AS
A JUSTICE OF THE PEACE.

Acts of Arthur
J. Wellington,
justice of the
peace, con-
firmed.

Resolved, That the acts of Arthur J. Wellington as a justice of the peace, between the twenty-fourth day of April and the twentieth day of June in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Approved June 28, 1907.

Chap.132 RESOLVE TO AUTHORIZE THE SERGEANT-AT-ARMS TO DECORATE
THE STATE HOUSE DURING OLD HOME WEEK.

Decoration of
the state house
during Old
Home Week
in Boston.

Resolved, That the sergeant-at-arms is hereby authorized to decorate the state house for the Old Home Week, so-called, to be held at Boston during the last week of July and the first days of August in the current year, the expense thereof to be paid out of the fund for the care and maintenance of the state house. *Approved June 28, 1907.*

RESOLVE IN FAVOR OF THE WIDOW OF DARWIN E. LYMAN.

Chap.133

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Julia S. Lyman, widow of Darwin E. Lyman late a member of the house from the second Hampshire representative district, the balance of the salary to which he would have been entitled had he lived until the end of the present session.

Widow of
Darwin E.
Lyman.

Approved June 28, 1907.

RESOLUTIONS.

RESOLUTIONS RELATIVE TO THE GYPSY AND BROWN TAIL MOTHS.

Whereas, The work of the United States department of agriculture, as directed by the bureau of entomology, in the suppression of the gypsy and brown tail moths in this Commonwealth, has been of great assistance to the state authorities engaged in the same work and has been effective in preventing the spread of these dangerous pests to adjoining states; and

Gypsy and
brown tail
moths.

Whereas, A continuance of said work is necessary for the protection of New England;

Resolved, That the general court heartily commends the aforesaid efforts of the United States government and urges upon the members of congress from this Commonwealth the necessity of making liberal appropriations for the further prosecution of the same.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of congress, and also to the senators and representatives in congress for this Commonwealth.

In House of Representatives, adopted February 5, 1907.

In Senate, adopted, in concurrence, February 8, 1907.

RESOLUTIONS ADVOCATING THE PASSAGE OF A FEDERAL LAW FOR THE EXTERMINATION OF DOGFISH.

Whereas, A species of shark commonly known as dogfish has become so numerous along our coasts that it is a menace directly to the fishing industry of our state, and through this indirectly to the public at large, both of the state and of the nation; and

Advocating
the passage of
a federal law
for the ex-
termination of
dogfish.

Whereas, There is now pending before congress a bill which promises to bring some measure of relief from this

enemy to the fisheries, and particularly the establishment of new industries based upon the destruction of the dogfish and other sharks and the conversion of these fish into fertilizer, oil, leather, and other valuable material; therefore be it

Resolved, That the general court of Massachusetts favors such legislation; and

Resolved, That copies of these resolutions, attested by the secretary of the Commonwealth, be sent to each of the senators and representatives from Massachusetts in congress.

In House of Representatives, adopted February 18, 1907.

In Senate, adopted, in concurrence, February 21, 1907.

RESOLUTIONS IN BEHALF OF AMERICAN INFLUENCE AT THE
INTERNATIONAL PEACE CONFERENCE.

International
Peace Con-
ference, etc.

Whereas, The coming International Peace Conference at the Hague is to meet through the efforts, primarily, of the president of the United States, and it is therefore fitting that the United States should take action concerning the subjects to be considered by the conference; and

Whereas, One of the leading subjects endorsed by the interparliamentary union for such consideration is the recommendation made unanimously by the general court of Massachusetts in the year nineteen hundred and three, in behalf of a regular advisory congress of the nations; and

Whereas, This Commonwealth has for nearly a century been the chief centre of the efforts made in America to advance those high interests of international peace and order which are now receiving the attention of the world; therefore be it

Resolved, That the general court of Massachusetts respectfully urges the president and secretary of state of the United States to exert their influence to procure from the coming Hague conference favorable action upon the six recommendations of the interparliamentary union, in behalf of (1) a regular international parliament, (2) an arbitration treaty of general obligation, (3) the limitation of national armaments, (4) an impartial commission to report upon contested issues between nations before the beginning of hostilities, (5) the immunity of all unoffending private

property at sea in time of war, and (6) the neutralization of routes of ocean traffic.

Resolved, That copies of these resolutions, attested by the secretary of the Commonwealth, be sent to each of the senators and representatives for Massachusetts in congress.

In Senate, adopted February 21, 1907.

In House of Representatives, adopted, in concurrence, February 27, 1907.

RESOLUTIONS RELATIVE TO THE FREIGHT AND PASSENGER SERVICE ON THE BOSTON AND ALBANY RAILROAD.

Resolved, That the general court hereby expresses its disapproval of the insufficient and faulty freight and passenger service which the recent investigations made by this general court and the board of railroad commissioners show to have been rendered during the past twelve months by the New York Central and Hudson River Railroad Company, as the lessee of the Boston and Albany railroad.

Freight and passenger service on the Boston and Albany Railroad.

Resolved, That the general court approves the public demand for a better service by the said lessee, and directs the said board to take all lawful, proper and effective measures to obtain the same, and to report to the next general court, not later than January tenth, nineteen hundred and eight, the result of its further investigation of the freight and passenger service on the Boston and Albany railroad.

In House of Representatives, adopted May 16, 1907.

In Senate, adopted, in concurrence, May 23, 1907.

RESOLUTIONS ON THE DEATH OF REPRESENTATIVE FRANCIS O. DAHLQUIST.

Whereas, Francis O. Dahlquist, a member of the house of representatives from the Eighteenth Worcester Representative District, died on the ninth day of May in the year nineteen hundred and seven; be it

On the death of Francis O. Dahlquist.

Resolved, That the house of representatives hereby expresses its profound sorrow at the death of one who had exhibited a mature wisdom and an unselfish devotion to the public welfare. Born in Sweden in the year eighteen hundred and forty-eight he came to this country in the year eighteen hundred and seventy-three, and after three years

residence in Michigan, he became a citizen of Worcester, where he afterward made his home. There he exerted at all times a strong and uplifting influence, and became an acknowledged leader among his compatriots. Simple and unpretentious in manner, honest and courageous in his convictions, reliable in his judgments, a lover of his fellow men, his work was effective and its worth to the community can never be measured. No man was more conscientious in his own life, none more charitable to the delinquencies of others. He obtained, in a remarkable degree, the affection of his neighbors and of all who knew him, the highest proof of his worth. We can but honor his memory and express our unfeigned regret that he was not spared to complete with us the work to which his fellow citizens had called him.

Resolved, That the house of representatives tenders its sympathy to the family of the deceased member, and directs that an engrossed copy of these resolutions be sent to them; and that the resolutions be entered upon the journal of the house.

In House of Representatives, adopted June 19, 1907.

RESOLUTIONS UPON THE DEATH OF DARWIN E. LYMAN.

On the death
of Darwin E.
Lyman.

Whereas, Darwin E. Lyman, a member of the house of representatives from the Second Hampshire District, was removed by death on the twentieth day of June in the year nineteen hundred and seven; be it

Resolved, That the house of representatives hereby expresses its profound sorrow and regret at the untimely death of one who had exhibited the highest motives in his devotion to the public welfare. A native of the Commonwealth of Massachusetts, he exemplified the highest ideals of her citizenship. At his home in Cummington he had for many years borne a leading part in the affairs of his town. He was one who trusted his fellow man and placed the welfare of others above his own. Kindly in speech and manner, charitable towards the failings of others, he held himself strictly to the course of a Christian gentleman. He lived and died a true son of the Puritan, bearing the love and confidence of his neighbors and the esteem of all who knew him. We desire to do honor to his memory and express

our deep regret that he was not spared longer to his church, his town and the Commonwealth.

Resolved, That the house of representatives tenders its sympathy to the family of the deceased member, and directs that an engrossed copy of these resolutions be sent to them; and that the resolutions be entered upon the journal of the house.

In House of Representatives, adopted June 26, 1907.

The general court of 1907, during its annual session, passed 587 acts and 133 resolves which received the approval of his excellency the governor.

Six acts, entitled, respectively, "An Act to provide for sittings of the superior court for the county of Berkshire at North Adams", "An Act to establish the salary of the clerk of the superior court for civil business for the county of Suffolk", "An Act relative to the exemption of certain substitute and call members of fire departments from certain civil service rules", "An Act to establish the salaries of the clerks and assistant clerks of district, police and municipal courts", "An Act to provide for suitably rewarding certain soldiers and sailors", and "An Act to authorize the city of Holyoke to harvest ice and to sell it at wholesale"; and also two resolves, entitled, respectively, "A Resolve in favor of William F. Willis" and "A Resolve in favor of Joseph G. Warren", were passed and laid before the governor for his approval, were returned by him with his objections thereto, to the branch in which they respectively originated, were reconsidered, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, they were rejected, two thirds of the members of either branch not having voted in the affirmative.

A proposed amendment to the constitution relative to the removal from office of justices of the peace and notaries public, agreed to by the general court of 1906, was further agreed to by the general court of 1907, and a resolve passed (chap. 123) providing for its submission to the people.

The general court was prorogued on Friday, June 28, at 11.14 P.M., the session having occupied 178 days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY CURTIS GUILD, JR.

At twelve o'clock on Thursday, the third day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, met the senate and house of representatives, in convention, and delivered the following

ADDRESS.

Gentlemen of the General Court of Massachusetts.

With high appreciation of the trust imposed upon me by the citizens of Massachusetts, it is my high honor and privilege again to invite your attention to such legislation as shall give to a Commonwealth already prosperous and progressive an even greater measure of leadership along the paths of equity, humanity and civilization.

At the root of most modern problems of legislation is not the absence of opportunity for all, but the absence of equal opportunity for all. We have to consider, in short, not so much the acquisition of wealth as the distribution of wealth.

Never has wealth been made with more spectacular rapidity than in the last decade. The minority who have prospered far beyond their fellows must appreciate that the very fact that they have so prospered demands that unusual wealth should bear unusual burdens; that unusual opportunities for the acquisition of wealth imply unusual obligations to the less fortunate and to the public. The envy of the poor for the rich is a sinister influence, but so is the condescension of the rich for the poor. We

need stout resistance to all attempts to array class against class and a better understanding among all men as fellow citizens.

I believe that better understanding is coming. In the new industrial conditions, brought about by the substitution of machinery for human hands, labor faced capital first with uncovered head, then with clenched fist; but there are not wanting signs that the clasped hands of brotherhood are in the future more truly to symbolize their relation.

The possession of wealth does not in itself provoke hostility. The vague unrest that is everywhere prevalent is due not so much to envy of the possession of wealth as to resentment against its unfair acquisition and indignation at its arrogant abuse.

The commuter does not so much envy the railroad king his millions. He does rebel if he feels that those millions are accumulated by excessive fares or by scrimping in train service. The farmer does not hate the millionaire because he owns a motor car, but because some millionaires who do own motor cars defy not only the canons of courtesy and decency but the law itself in the pursuit of mere selfish pleasure and excitement, at the expense of the property, the safety, the lives of their less fortunate fellow citizens.

It is a somewhat tragic foot-note to the history of civilization that wealth, the fine old Saxon word meaning happiness, should have become in modern English a mere synonym for material riches,—that wealth should no longer mean well-being. It is our happy privilege to restore in part this ancient and nobler meaning of happiness to the word wealth, that the Commonwealth of Massachusetts may signify indeed not a mere abiding place of riches, but a state whose chief concern is for the common happiness of all within her borders.

UNIFORMITY OF LEGISLATION.

The ever closer bond between the states is daily giving greater force to the demand for uniformity in laws concerning such matters as cannot be constitutionally controlled by the national government. If escape from taxation on personal property is to be checked, we must have more uniformity in our state laws of taxation. If vice in

one section is not to become virtue in another, we must have greater uniformity in our state laws in regard to divorce. If bad insurance methods are really not desired by the American people, they must be discountenanced in every state. If the public mean what they say they mean in regard to the so-called "trusts," their attention should be concentrated on the laws of those states which permit the creation of trusts. In this great general movement Massachusetts should not merely accept but should suggest progressive legislation.

I renew my recommendation of last year relative to the extension of the corrupt practices act.

STATE FINANCE.

The fiscal year now ends on November 30. The gross debt of the Commonwealth, actual and contingent, Dec. 1, 1906, was \$101,538,162. Of this amount, \$32,569,750 is represented by loans which have been issued for state purposes exclusively, and \$68,968,412, the total contingent debt, by loans which have been issued for the benefit of cities and towns, and which will be repaid ultimately by them to the Commonwealth. Applicable to the loans issued for strictly state purposes there are accumulations in sinking funds amounting to \$18,163,977.30, making the net actual state debt \$14,405,772.70. For the redemption of the loans included in the contingent debt there are accumulations in sinking funds amounting to \$8,452,528.08, which amount, applied to the principal of the loans, makes the net contingent debt \$60,515,883.92. Of the net contingent debt, \$1,428,067.44 falls upon certain cities and towns in which armories have been built, and the remainder, \$59,087,816.48, upon the cities and towns in the metropolitan water, sewerage and parks districts. The net actual state debt for five years is as follows:—

Jan. 1, 1903,	\$13,472,628 09
Jan. 1, 1904,	14,782,640 97
Jan. 1, 1905,	15,576,595 11
Jan. 1, 1906,	14,215,765 27
Dec. 1, 1906,	14,405,772 70

I am happy to say that there was a reduction this last year in the direct state tax of $12\frac{1}{2}$ per cent, or half a million dollars. It is extremely doubtful if this direct

tax can be lowered or indeed maintained at the present level if means are not taken to secure additional sources of revenue.

The Commonwealth has been steadily deprived of its legitimate revenue for the benefit of local purposes. The whole corporation tax, both by theory and precedent, belongs to the state. Nearly the whole is now returned to cities and towns, and it is a well-known fact that in many instances the revenue received by certain localities from the Commonwealth on this account actually exceeds the amount paid by these localities towards the expenses of the Commonwealth as their proportion of the direct state tax. As long as any of this tax is diverted from the state treasury, where it belongs, to town and city treasuries, there will be local disputes as to the method of distribution.

Again, Massachusetts, though put to serious expense by the liquor traffic, receives but one quarter of the license fees. The precedent in other states is that one half at least of these fees should go to the state.

Moreover, while pressure to supply funds for extravagant municipal expenditure has in years gone by diverted from the state treasury more than enough natural revenue to pay the entire direct state tax, the steady, logical development of the Commonwealth is annually adding new expenses.

The state house is overcrowded. There is now paid in rental for offices of various boards and commissions outside the state house over \$30,000 annually. Business sense and sound economy alike require the immediate construction of a modern office building for the accommodation of our public servants. The natural site of such a building would be in the rear of the state house. If this building is not erected, not only must those boards and commissions already occupying quarters outside remain there, but more such accommodations must be furnished at steadily increasing expense for state departments that have quite outgrown their present quarters.

The assumption of the care of the insane by the Commonwealth added a million a year to the expenses of the Commonwealth. The scourge of the insect pests must necessarily cost hundreds of thousands of dollars in the immediate future, unless we would sacrifice millions by

abandoning the work against them. To the gypsy moth and the brown-tail is now added the Japanese moth. The substitution of state highways for county roads adds nearly half a million annually to the state's expenses, and the destruction of the surface of these roads by automobiles amounts to a loss of fifty thousand dollars a year. The increasing demands for investigation and publicity renders the bureau of statistics of labor a constantly and properly increasing source of expense. The appropriation for the new free employment bureaus is quite inadequate for the maintenance of more than one such bureau. The new eight-hour law means an extra expense in one state department alone of \$75,000 this year.

These plain facts suggest, in the first place, that when the time comes — as humanity, science and economy alike show the time must come — for the Commonwealth to assume general charge of all paupers and general charge also of those suffering from tuberculosis, the expense of their maintenance should not be a charge upon the state treasury, but should be assessed back proportionately upon those cities and towns that will thus rid themselves of the task of supporting these unfortunates at a much greater expense.

The inevitable growth of expenditure which cannot in this manner be avoided demands, in the second place, that further curtailment of legitimate sources of state revenue should be resisted, whether the pressure comes on the one side from city or town governments, or on the other from the government of the United States.

We already have a tax on collateral inheritances. I believe the time has come when the increasing needs of our treasury demand a graduated tax on direct inheritances. This means of raising revenue is too familiar to need description here. It has worked no hardship in the states where it is now law. It could be so adjusted as to be little felt by those least able to bear it, and those who would be the heaviest contributors are the very ones whose larger share of the fruits of prosperity make it just that they should bear the greater burden.

Another principle of taxation that I believe to be equitable is this: that he who is especially responsible for the waste and damage of public property should pay for any unusual damage that he causes. The suction of

the automobile tire, for instance, is the cause of exceptional damage to the roads of the Commonwealth. I recommend a tax on all motor cars proportionate to horse power, the entire proceeds to be devoted to the maintenance of state highways. I firmly believe that such a tax would alike remove much of the present complaint against this mode of locomotion, and would vastly add to the comfort of all who use the highways for any purpose.

Finally, if it is impracticable entirely to reverse the established state policy of distributing the larger part of the corporation tax to the cities and towns, it is not, I trust, too late to prevent any further encroachment on legitimate state revenue.

POWERS AND DUTIES OF THE AUDITOR.

It is the duty of the auditor of accounts to examine and audit claims against the Commonwealth; but he has neither the authority, nor is it his duty, to examine into the accounts of state officials, boards and institutions which receive state funds which they are required to deposit with the treasurer and receiver general. During the last fiscal year these receipts amounted to nearly \$1,500,000. Manifestly, operations involving so large an amount should receive such examination as will insure accuracy in accounting. I recommend that the laws relating to the powers and duties of the auditor be so amended as to give him authority and require him to audit the accounts of all officials, boards and institutions which receive moneys to be turned into the treasury of the Commonwealth.

INSURANCE.

Many excellent suggestions will be laid before you for insurance reform. I would particularly urge upon you two, in which I trust you will agree that Massachusetts should lead the way, as she has ever led the way in insurance legislation. The experiments are, I admit, radical, but no more radical than the original suggestion of insurance itself.

The expense of life insurance largely consists in the cost of solicitors and collectors. If neither were neces-

sary, the insured could secure protection at greatly less expense. To the poor, the expense of so-called industrial insurance is very severe; to the very poor, it is prohibitive. I suggest for your earnest thought and careful consideration the subject of insurance of the lives of those able to pay but a very small premium, but whose honorable pride is now in too many cases urging them to pay what they can ill afford if they would avoid a pauper's burial. Life insurance without agents or collectors is an experiment in which the demands of the people are supplemented by practical plans. I commend for your consideration the study of plans to be submitted to you for cheaper industrial insurance that may rob death of half of its terrors for the worthy poor.

The mortality tables on which ordinary life insurance is based are half a century old. Civilization has materially lengthened the duration of human life in the last fifty years. The same principle that from time to time calls for the readjustment of laws regulating insurance methods in accordance with changing conditions demands no less examination and reconstruction of the very basis on which all life insurance rests.

The insurance department of the Commonwealth has the records of hundreds of thousands of lives from which just and modern mortality tables can be constructed. I recommend that the insurance commissioner be authorized to prepare an official mortality table for Massachusetts, for the information of the profession and the people.

BOILER INSPECTION.

The deplorable disaster in Lynn, following upon the still more serious one in Brockton, is a warning that Massachusetts should no longer entirely trust the inspection of insured steam boilers to the agents of insurance companies. In spite of the existence of fire insurance companies, all buildings must submit to some kind of official inspection. Logic and the public safety demand that, in spite of the existence of boiler insurance companies, all steam boilers should at least once a year be submitted to inspection under at least the direct control and supervision of the Commonwealth.

Under the present law boilers that are insured are ex-

empt from state inspection and cannot be inspected by a state inspector even if the owner so desires. This very objectionable feature of the law should be amended so as to give all citizens of the Commonwealth the right to have state inspection as well as inspection by an insurance company. The law should also include a provision for enforcing the keeping by every engineer of daily records of the running conditions of every steam plant on forms to be supplied by the Commonwealth's boiler inspectors.

The number of boiler inspectors now in the employ of the Commonwealth is insufficient even for the thorough inspection of boilers not insured. I recommend their increase. Ultimately the Commonwealth must face the responsibility of examining every steam boiler within our borders by inspectors selected after careful examination, as at present, by the Commonwealth. Such a policy would involve the employment of at least a hundred trained men. The state cannot afford to have official inspection conducted by any but the best, and only the practical difficulty of securing at once so large a number of men, specially trained, prevents my urging the adoption of this policy at this time.

REGULATION OF HIGHWAYS AND WIRES.

The justification of state supervision of telephones and telegraphs, a policy in which by the law of 1906 Massachusetts is a pioneer, has already been amply demonstrated. I suggest for your consideration whether even greater powers of regulation should not be given.

It is evident that in another direction this commission must be given ampler powers.

The abuse of automobiles is not decreasing, it is increasing. No engineer can take charge of a steam boiler without an examination. A locomotive engineer must serve a long apprenticeship before he is put at the throttle, though he moves only over set rails, on a line where every vehicle but one like his own is a trespasser. The automobile chauffeur, without any examination, sometimes an over-confident young man, sometimes an inexperienced girl, is turned loose on the public highways in control of an engine nearly if not quite as dangerous as a locomotive.

Not even a law as to right of way checks collisions with other vehicles.

I recommend that, as the sailing vessel has the right of way over the steamer on the high seas, so the horse and pedestrian shall for like cause be given, as the weaker, the right of way over the automobile on crossroad and highway.

I further recommend the establishment of a board of expert examiners for chauffeurs, acting under the highway commission. I recommend that no person, owner or chauffeur, without a certificate of examination in reasonable practical tests in motor management, shall be longer permitted to experiment with dangerous engines on the roads of Massachusetts, at the risk of the lives of the citizens of this Commonwealth.

LABOR.

The general court of 1906 was especially progressive in labor legislation. It is apparent that, to be effective, the law establishing the eight-hour day needs amendment. It is also apparent that further legislation is necessary, that womanhood may be better fitted for motherhood and childhood for citizenship. It is further evident that legislation is necessary providing that any employee of the Commonwealth becoming cognizant in his official capacity of a violation of the factory laws or of any laws of the Commonwealth should be permitted to report such violation to the district police.

European nations, not only from religious motives but from motives of social economy and of common humanity, have found it necessary to provide at least one day's rest in seven. If women and children are to be forbidden night work, all workers of all ages and sexes should be given, as far as possible, the one day's rest in seven especially demanded for a people of strenuous application and high-strung nervous activity. Where work of necessity and emergency enforces employment on Sunday, an opportunity should be given the Sunday toiler for some other day of rest.

The medical examination of minors engaged in industrial pursuits is working well in England and other countries. I suggest for your consideration whether minors

with weak lungs or hearts or eyes or joints should longer invite premature deformity or death in occupations dangerous to their physical development. Town after town already is reporting the beneficial effect of medical inspection of children in the schools. Shall not Massachusetts lead also in medical inspection of the children in our factories?

The boy with weak lungs should not be exposed to the flying lint of the cotton mills, though hearty labor in the open air might be not only permissible, but remedial. Let us take those with weak hearts from the treadles, the incipient epileptic from the elevator shaft, that the labor of the young may not become, as it too often does, drudgery that actually hastens the approach of death, but may be such as to promote not livelihood alone but life itself.

I am aware that all these suggestions for more thorough inspection of boilers and for factory legislation mean an enlargement and to some extent a reorganization of the district police. Such a suggested reorganization is no reflection on the present force. They are overworked by the swiftly increasing calls for their activity, and cannot now perform as adequately as they should even those duties already devolving upon them. Not only an enlarged force but a more definite division into departments is needed.

REGULATION OF CORPORATIONS.

The development of the transportation facilities of the Commonwealth demands your serious consideration. The increase of freight traffic on Massachusetts steam roads has been so swift as actually to embarrass the facilities of existing railroads, even with increased rolling stock and locomotives. There does not seem to have been trackage enough nor rolling stock enough nor power enough provided by these public-service corporations to handle our swiftly increasing business.

Corporations deserve fair play as well as individuals; and it cannot be honestly said that the present highly unsatisfactory service in certain directions is wholly due to corporations and their management. It is notoriously difficult, for example, to get locomotives built fast enough to keep up with the demand.

These facts, however, do not absolve us from hunting down causes of poor passenger service and freight con-

gestion, and seeking a remedy. The results of the investigations by the railroad commission will shortly be open to you. The railroads themselves have it in their power materially to relieve congestion, and in cases where they have shown no disposition to exert such power, they should be compelled to do so.

I would suggest, further, that we should encourage adequate appropriations from the national government for harbor approaches to Boston, by moving for the improvement of freight terminals that shall supplement deep water at the docks and in the channels of the harbor.

The New York, New Haven & Hartford Railroad Company has succeeded in Rhode Island and Connecticut in absorbing many street railways. This tendency has been checked in Massachusetts. Legal proceedings brought by the attorney-general are to decide whether existing law does or does not permit any steam railroad company to absorb one street railway after another, till all are under one board of directors. Pending action of the courts, I merely desire at present to call your attention to the fact that the question at stake is, whether the control of every express package, every freight shipment, every passenger by through lines or by trolley lines can be vested in one huge corporation.

In the proceedings now pending, the Commonwealth has taken the position that such a complete monopoly of transportation is not possible even under existing law.

The regulation of railroads naturally suggests other regulation. The agitation of years has at last culminated in a national law for the regulation of freight rates on merchandise affected by interstate commerce. It is the business of the state to see to it in other respects that unjust discrimination does not prevail within its own borders.

I commend to your study the laws of other states against unfair local discrimination against certain sections in the retail prices charged by great corporations for commodities in general use.

JUDICIARY.

I urge upon you the necessity of jury reform. When the bench itself in public utterance gives evidence as to the appearance even of the intoxicated, the criminal and the insane on Suffolk juries; when pressure is notoriously

exerted to secure places especially on these juries as a compensation for political favors; when men high in social and commercial life similarly exert pressure to be excused from jury service, it is certainly time that the authorities designated by law to prepare the jury lists should be safeguarded from such improper influences. Absolute justice should be forwarded by remedial amendments to the laws affecting the selection of juries, to the end that the corruptionist who seeks jury service and the citizen who evades service may no longer alike hamper the administration of justice and the law.

BANKS, BANKING AND STOCKBROKING.

The reorganization of the bank commission and the banking reform laws of 1906 leave but little to be suggested on this subject. Certain department stores have, however, found a means of evading the spirit of the law, and, under the guise of private bankers, are soliciting deposits by offering rates of interest thereon which are likely to prove tempting to small depositors of the class that habitually use the savings banks. Such depositors do not appreciate that they are in reality lending their money to merchants, at a rather low rate of interest, and that the failure of the department store would wipe their savings out of existence. I recommend the safeguarding of these small depositors against this practice.

Chapter 377 of the acts of 1906, relative to unauthorized banking, exempted foreign banks from its prohibitions; and they are therefore permitted to do a savings bank business in this Commonwealth in competition with our savings banks, without any restrictions on the investment of their savings deposits, as in the case of the Massachusetts savings banks, and without any requirement of stockholders' liability, as in the case of the Massachusetts trust companies.

Savings deposited with foreign banking corporations, then, are not subject to the safeguards thrown about savings deposited with Massachusetts savings banks or trust companies; and the bank commissioner has no power to take steps to protect depositors until it appears that the corporation is insolvent, its capital impaired or its condition hazardous. The adequate protection of savings de-

posited with foreign banking corporations should be one of the first acts of your honorable body.

Closely allied to banking is the exchange of financial securities. I commend to your attention the abolition of the so-called bucket shop, or, in other words, of the misuse of market quotations as a basis for public gambling. Any statute on this subject needs to be framed with conservatism and care. Means can, however, and should at once be found, as means have been found in other states, to discriminate between legitimate and honorable trading in securities and a form of mere gambling whose existence is a fruitful source of embezzlement and larceny.

The bucket shop appeals primarily to those who expect and take a gambler's risk. As great, if not a greater, evil is the swindling not of speculators, but of small investors, by advertisement of bogus enterprises, notably of questionable mining schemes. We prohibit the sale of poisonous patent medicines and of impure foods. We check by laws against stock watering the inflation of values of genuine property that does exist. I suggest to you the propriety of legislation against the attempted sale through misleading advertising of properties which in some cases are known to be worthless by the promoters and which in some cases do not exist at all. Experience has shown that there are methods by which the bogus promoter can be made to feel the strong arm of the law. He should not longer be permitted to seek his prey unchecked in Massachusetts.

POWERS OF COMMISSIONS.

Local differences as to which city or town is in this or that particular year to receive attention in the improvement of harbors occupy a needless amount of time of the general court. Various state boards are granted an annual appropriation for carrying into effect the purpose for which they are created. I suggest a similar general appropriation for the harbor and land commission, and that all questions as to which harbor needs attention in any given year be referred to this commission, that the time of the general court may be reserved for weightier matters affecting the entire Commonwealth.

Members of the harbor and land commission, like members of the railroad commission and of similar commis-

sions, are permitted to engage in other occupations neither directly nor indirectly connected with their official work. I recommend the repeal of chapter 503 of the acts of 1894, — a piece of special legislation, by which this privilege, so great an aid in the securing of competent and efficient men to serve on commissions of a judicial character which do not necessarily occupy the whole of the time of their members, was taken from the gas and electric light commission.

THE VOLUNTEER MILITIA.

To its already long and honorable record the organized militia of the Commonwealth adds another year marked by a faithful performance of ordered duty and by an appreciable advance in discipline and efficiency. Detachments from the sixth and ninth regiments of infantry were actively on duty at the time of the disaster at Framingham in July, and from the second regiment of infantry at the fire at Holyoke in December last. In each instance the service rendered was most creditable, receiving ample acknowledgment from the local civil authorities at whose call the troops responded. To maintain a proper *esprit de corps*, as well as to stimulate recruiting, the troops should be provided during the present year with a suitable and soldierly full-dress uniform, for which, in compliance with statute, a special appropriation will be required. In this, as in all other matters affecting the welfare of the force of upwards of six thousand officers and men whose public spirit prompts them voluntarily to serve the Commonwealth, I earnestly recommend the most liberal action on the part of the legislature.

STATE FORESTRY.

A Commonwealth that has appealed to the national government to save the forests that guard the sources of our water supply and water power must not neglect her own duties. The scope of the state forestry work cannot be extended with the means at present at our disposal; and I cordially recommend to you a consideration not only of more effective laws in regard to forest fires, in order to save the trees we already possess, but of the laws in regard to forest taxation, that the growing of new forests on lands at present sterile and unproductive may be encouraged.

DIVORCE.

The divorce laws of Massachusetts have for many years been so generally regarded as a model that a suggestion for their amendment may seem superfluous, especially with the improving prospect of national divorce legislation, advocated for years in Massachusetts. But pending such action I suggest an examination of the laws restricting divorce by collusion, adopted by other states. I suggest to you the propriety of giving the power and means of at least investigating all uncontested divorce cases to some public official in each county, that it may be known that Massachusetts regards the marriage vow as something more than a social convention to be lightly assumed and as lightly abandoned.

Senators and Representatives:—We have been entrusted by the people with the task of forging their will into law at a time of a peaceful but very genuine social revolution. In such times of popular upheaval there is the greatest possible opportunity of achievement for the public good, so long as the law-making power coolly discriminates between hysterical clamor and sincere appeal, refusing steadily to substitute deformation for reformation.

The discovery of printing and the ensuing revival of learning created a thirst for knowledge and discovery. It sent alike the Conquistadores to Mexico and Peru and the Adventurers and Pilgrims to Virginia and Massachusetts. It took from a class to give to the people a common opportunity to learn.

The new philosophy born of that learning dispelled the mirage of the divine right of kings. It ended the royal power of veto in England with Queen Anne's action of advisement on the Scotch militia bill. It sped the bullet from the rifle of Buttrick at Concord bridge. It took from a class to give to the people an increasing opportunity to govern.

The free thought that has followed that free government is in our own day taking from a class to give to the people an increasing opportunity to enjoy a true Commonwealth, a more equitable distribution of the fruits of our prosperity, a more even condition of well-being.

This cannot come by hysterical attacks on the rights of property. Wreck capital, and you annihilate labor.

It cannot come by the unwise insistence that great corporations should be let entirely alone. Reasonable regulation is the antidote for confiscation.

It cannot come from a manipulation of the operation of laws by the executive power. It can come by the passage by the legislative power of only such laws as can be enforced.

It can come only by the recognition that fraternity is the first condition not only of equality but of liberty, and that class hatred and religious prejudice have no place in a free republic.

Just a generation ago the first of American philosophers set down, as the last word of his last essay:—

“I see in all directions the light breaking. Trade and government will not alone be the favored aims of mankind, but every useful, every elegant art, every exercise of imagination, the height of reason, the noblest affection, the purest religion, will find their home in our institutions and write our laws for the benefit of men.”

The prophecy was Emerson's. The opportunity is ours.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY
HIS EXCELLENCY THE GOVERNOR TO THE GENERAL
COURT DURING THE ANNUAL SESSION.

[To the honorable senate and house of representatives, January 7, 1907.]

I have the honor to herewith present, in compliance with chapter 50 of the resolves of 1860, a report of the twenty-nine pardons issued by the governor, with the advice of the council, during the year of my administration just closed. Of the number thus released, five were in the state prison, five in houses of correction, twelve in the Massachusetts reformatory, five in the reformatory prison for women, and two were in insane hospitals. Serious illness was the controlling reason for the discharge of four.

CURTIS GUILD, JR.

No. 1. GEORGE O'HARE. Convicted of being idle and disorderly, Police Court of Lawrence, June 19, 1905. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Jan. 24, 1906, upon the recommendation of judge Mahoney, who imposed the sentence, on the ground that he had been sufficiently punished. O'Hare was evidently sentenced under a misapprehension. Pardons.

No. 2. FRED W. PEACH. Convicted of breaking and entering and larceny, Superior Court, Essex county, Jan. 23, 1905. Sentenced to the house of correction for three years. Pardoned Feb. 7, 1906, upon the recommendation of the prison physician. The prisoner was suffering from tuberculosis of the lungs and larynx. He was in an advanced stage of the disease, with no possibility of recovery. He died a few days after his release.

Pardons.

No. 3. ALBERT MORSE. Convicted of statutory rape, Superior Court, Bristol county, Feb. 14, 1903. Sentenced to state prison for from five to seven years. Pardoned Feb. 28, 1906, upon the recommendation of all the town officers of Mansfield, the complainant and other leading citizens. Newly discovered evidence submitted to the pardon committee satisfied them that without a doubt he was guilty of a less serious crime than that for which he was convicted. He had no counsel at the time.

No. 4. HERBERT E. HILL. Convicted of murder, second degree, Superior Court, Suffolk county, Aug. 15, 1902. Sentenced to the Worcester insane hospital for life. Pardoned March 7, 1906, upon the recommendation of the chairman and executive officer of the state board of insanity and the superintendent of the insane hospital at Worcester.

On the night before the homicide Hill was out most of the night. He had been at Revere Beach, and later had been riding about the city in an open carriage. He was found by the milkman in the hallway of his own house about 6 o'clock in the morning of July 8, 1902. He went to his room for a while, then went out and bought a revolver and cartridges and returned to the house. About 9 o'clock in the morning his mother was in the kitchen, and, hearing a noise, she looked up and saw Hill with a revolver. He fired at her, wounding her in the back of her neck. Then he shot and killed his sister, who was in the hallway between him and his mother. Then he ran out bareheaded.

After his committal to the insane hospital he escaped therefrom and returned to his home. His mother was very much frightened, and the police, upon having their attention called to the matter, caused Hill's return to the insane hospital. Thereafter, upon information being given to the district attorney's office by Dr. Quinby, a hearing was had before judge Bond. The matter was then considered at length, and judge Bond stated that the matter must be dealt with by the governor and council. Dr. Jelly had knowledge of the condition of the defendant just before the homicide.

The chairman and executive officer of the state board of insanity stated:—

We have made a careful examination of the patient with respect to his present mental condition, his record at the hospital and the circumstances leading up to the commission of the homicide. We agree with Dr. Quinby, the superintendent of the Worcester hospital, that he has entirely recovered from his insanity. The hospital records show that he has been free from symptoms of mental derangement for about three years. The only possible danger which could arise from his discharge would be due to a recurrence of his insanity. The liability of such recurrence is slight, inasmuch as there is no hereditary predisposition to insanity, and his mental derangement was due to special causes. At the age of eighteen he came under conditions of unusual temptation to general dissipation, to which he was subject during the three years preceding his mental breakdown at the age of twenty-one. He is not likely to be again brought under such special conditions, but, being now twenty-five years of age, would be able, in our opinion, to resist them under ordinary circumstances. We are confirmed in this opinion by his conduct during the last two years at the hospital. He has had the freedom of the hospital grounds, and ample opportunity to show any tendency to dissipation and untrustworthiness; but he has been exemplary in his conduct, entirely trustworthy, and has shown no disposition to do a wrong act. His natural tendencies are good. He was in great mental distress, and purchased the revolver for the purpose of taking his own life. The homicide was the result of a sudden, purposeless, insane impulse, which might occur in any case of insanity. There was no premeditation, no delusion, and no enmity toward his sister. Therefore we recommend Mr. Hill's discharge from the Worcester insane hospital. Pardons.

He was released on condition that he report at least once in each calendar month to the executive officer of the state board of insanity for the three years next following the date of his release.

No. 5. CYRUS MORRELL. Convicted of larceny in a building, Superior Court, Bristol county, June 16, 1904. Sentenced to the state prison for from two and a half to four years. Pardoned March 19, 1906, upon the recommendation of the prison physician. Morrell was in the last stages of pulmonary tuberculosis, with no hope of recovery.

No. 6. DAVID BATES. Convicted of breaking and entering, Superior Court, Norfolk county, Sept. 11, 1901. Sentenced to the state prison for from six to ten years. Pardoned April 18, 1906, upon the recommendation of

Pardons.

some of the most prominent citizens of Hingham. This was the prisoner's first offence. This severe sentence was imposed by the judge under a misapprehension, as he has since certified.

No. 7. SAMUEL MCGLINCHY. Convicted of larceny, Superior Court, Suffolk county, Oct. 16, 1905. Sentenced to the house of correction for two years. Pardoned May 2, 1906, upon the recommendation of the prison physicians. The prisoner was in an advanced stage of pulmonary tuberculosis. He was pardoned to go immediately to Colorado.

No. 8. HARRY B. HIBBARD. Convicted of larceny, Superior Court, Suffolk county, Sept. 25, 1905. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 16, 1906, upon the recommendation of the judge who imposed the sentence, and the district attorney, on the ground that he had been sufficiently punished, and would hereafter become a good citizen. This was his first offence.

No. 9. CATHERINE A. SHEA. Convicted of being a common drunkard, District Court of Winchendon, July 6, 1905. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned May 16, 1906, upon the recommendation of many of the leading citizens of Winchendon. She had never been arrested before. Immediate employment awaited her.

No. 10. OCTAVE VERMILLION. Convicted of breaking and entering, Superior Court, Berkshire county, July 17, 1905. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 16, 1906, upon the recommendation and request of the boy's father, who caused his arrest. The time already served seemed to the pardon committee adequate for the slight offence committed.

No. 11. ALICE G. SHAW. Convicted of burning a building, Superior Court, Plymouth county, Oct. 20, 1905. Sentenced to the house of correction for two years. Pardoned May 29, 1906, upon the recommendation of the

prison physician and the town officials of Carver, where the crime was committed. She was very dangerously ill with valvular disease of the heart and disease of the kidneys. She was indicted jointly with her brother for setting fire to an unoccupied dwelling house belonging to the applicant. The fire was almost immediately discovered and extinguished. The loss was trifling, and no attempt was made to prove a loss under the policy. Pardons.

No. 12. AMOS AUCLAIR. Convicted of larceny, Second District Court of Bristol, Feb. 17, 1906. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 29, 1906, upon the recommendation of many of the leading citizens of New Bedford and the justice who imposed the sentence, on the ground that he had been sufficiently punished. The offence was a very slight one.

No. 13. CHARLIE LUNG. Convicted of sodomy, Superior Court, Worcester county, May 17, 1904. Sentenced to the house of correction for three years. Pardoned July 5, 1906, upon the recommendation of the district attorney and the Imperial Chinese consul. The prisoner's family were in very destitute circumstances in China, and likely to die for lack of food. Immediate employment awaited him, which would enable him to provide for their support.

No. 14. BETSY WHALEN. Convicted of drunkenness, Police Court of Lee, March 15, 1906. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned July 18, 1906. Betsy Whalen was a feeble old woman, seventy years of age, unable to work and very deaf. She was pardoned to be taken care of by a daughter in Connecticut.

No. 15. MARY GIGLIOTTI. Convicted of drunkenness, District Court of Northern Berkshire, April 24, 1906. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned July 18, 1906, upon the recommendation of the judge who imposed the sentence, who was of the opinion that the ends of justice had been met.

Pardons.

NO. 16. MALCOLM M. McNEIL. Convicted of rape, Superior Court, Suffolk county, Oct. 17, 1904. Sentenced to the state prison for from seven to ten years. Pardoned July 25, 1906, upon the recommendation of the district attorney, who had very carefully investigated the case and was of the opinion that McNeil's conviction of a crime greater than adultery was a miscarriage of justice. The complainant also recommended a pardon.

NO. 17. JOHN A. COOKE. Convicted of larceny, District Court of Southern Norfolk, June 24, 1905. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Aug. 1, 1906, upon the ground that he had been sufficiently punished. The complainant recommended a pardon.

NO. 18. ERNEST NELSON. Convicted of larceny, District Court of Central Middlesex, June 8, 1906. Sentenced to the Massachusetts reformatory, on an indeterminate sentence. Pardoned Aug. 1, 1906, upon the recommendation of the justice who imposed the sentence, who certified that, "had all the facts in the case been brought to his attention at the time of trial, the prisoner would have been placed on probation."

NO. 19. JOHN FOLEY. Convicted of breaking and entering, District Court of Central Middlesex, May 4, 1906. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Sept. 14, 1906. Foley, seventeen years of age (who had never before been arrested), in company with two other boys, started out into the country to go camping. They reached Lexington about midnight. They entered a barn and stole some hens, a horse blanket and some other articles. They were all arrested the next morning. Foley would probably have been placed on probation if his parents had been informed of his arrest. The other boys were old offenders. His parents needed his help, as they were both in poor health.

NO. 20. HENRY F. KENNEDY. Convicted of being a stubborn child, Third District Court of Southern Worcester, June 20, 1906. Sentenced to the Massachusetts re-

formatory on an indeterminate sentence. Pardoned Sept. 14, 1906, upon the recommendation of the probation officer and the justice who imposed the sentence. This boy, seventeen years of age, was committed upon complaint of his mother, who supposed the reformatory was a school, and he could be released any time. His conduct record was perfect. Pardons.

No. 21. FRANK R. LEVIN. Convicted of forgery and uttering, Superior Court, Suffolk county, March 13, 1906. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Oct. 3, 1906. Levin was pronounced by experts to be insane, and was undoubtedly of unsound mind when the crime was committed. He was taken to Buffalo, N. Y., the home of his father, to be placed in an insane asylum in that city.

No. 22. JOSEPH ST. JOHN. Convicted of murder, second degree, Supreme Judicial Court, Worcester county, Dec. 18, 1882. Sentenced to the state prison for life. Pardoned Nov. 23, 1906, upon the recommendation of the pardon committee of 1905, who reported Dec. 13, 1905, "that the pardon should not be granted at once, as executive clemency has already been extended to two life prisoners during the year, but that we hope that a future council may act favorably on the petition." The petition also bore the endorsement of the present and former chaplains of the state prison, including Rev. Joseph G. Anderson, Rev. Augustine D. Malley, Rev. E. J. Moriarty and Rev. John W. F. Barnes, who "believe that twenty-four years of confinement have been sufficient, and that an act of clemency by the chief executive of the state in such a deserving case will materially help the prison discipline in holding out to deserving prisoners, long confined there, some hope of mercy. It is seldom that the chaplains of the prison present the case of a life man for pardon; but in this exceptional case both the present and former chaplains feel prompted to make this appeal in his behalf, and therefore kindly ask that clemency be shown to this life man, who, if pardoned, will leave the state and take up his abode in the west, where relatives and friends have prepared to help him to lead a new life."

Pardons.

The crime for which St. John was sentenced was committed when he was only eighteen years of age, and the evidence in the case showed that both he and his victim had been drinking at the time. St. John admitted the shooting. His conduct at the state prison has been most exemplary, he having received only one reprimand in twenty-four years, that being for talking.

No. 23. ELIZABETH A. NARRAMORE. Convicted of murder, second degree, Superior Court, Worcester county, May 21, 1901. Sentenced to the Worcester insane hospital for life. Pardoned Nov. 26, 1906. Mrs. Narramore killed her entire family of six children, and tried to commit suicide at her home in Coldbrook Springs, six years ago. She had been subjected to severe privations by her husband, and in a frenzy clubbed her little ones to death and tried to cut her throat after she made an attempt to set the house on fire. The woman became desperate, and the pitiful pleadings of her children for food which she could not give them unbalanced her reason. The house was a picture of abject poverty, and the family was absolutely destitute. The jury returned a verdict of not guilty by reason of insanity, and Mrs. Narramore was sentenced to the Worcester insane hospital for the rest of her natural life. The pardon was recommended by Dr. Quinby, superintendent of the hospital, who says that she has entirely recovered, and that she may be safely pardoned and allowed to leave the hospital. He is satisfied that there is no reason to suppose that her mind will become unbalanced again, as the conditions which brought about her insanity could never again exist. District attorney Taft also made a careful examination of the case, and reported that her sanity has been entirely restored, and recommended that she be discharged.

No. 24. JOSEPH F. McALEER. Convicted of stubbornness, Police Court of Newton, July 3, 1906. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 5, 1906, upon the recommendation of the chief of police of Newton and the clerk and probation officer of the Police Court of Newton, on the ground that he had been sufficiently punished. He was but fifteen years of age, and had a perfect record in the reformatory.

No. 25. MARY GILLESPIE. Convicted of drunkenness, Pardons, before trial justice Hill, Essex county, May 26, 1906. Sentenced to the reformatory prison on an indeterminate sentence. Pardoned Dec. 5, 1906, upon the recommendation of trial justice Hill, who committed her to the reformatory. She had a family of five small children, who needed a mother's care. Her husband had steady employment and a good home. It was believed that the punishment she had received was sufficient, and that she would hereafter lead an orderly life.

No. 26. LOUIS FEINBERG. Convicted of larceny and breaking and entering, Superior Court, Worcester county, Nov. 2, 1905. Sentenced to the house of correction for twenty-eight months, on two indictments. Pardoned Dec. 6, 1906, upon the recommendation of the district attorney, on the ground that there was reason to believe that the prisoner was innocent of the charge of breaking and entering, and that he had been sufficiently punished for the crime of larceny.

No. 27. JOHN CHAPMAN. Convicted of assault, Superior Court, Berkshire county, Jan. 16, 1906. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 9, 1906, upon the recommendation of judge Tenney, justice of the Police Court of Williamstown, and other prominent citizens of Williamstown, where the alleged crime was committed, who were of the opinion that his punishment had been adequate, and that the ends of justice would be served by his release. He was eighteen years of age when committed.

No. 28. D. WALTER FAULKNER. Convicted of larceny, Superior Court, Suffolk county, Oct. 20, 1906. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 26, 1906, on the ground that the ends of justice had been met. The offence consisted of the larceny of seventeen dollars and seventy-five cents. Restitution has been made. He was the sole support of his wife and child. He had an entirely perfect record in the reformatory.

Pardons.

NO. 29. MARY E. AMBLER. Convicted of murder, second degree, Superior Court, Worcester county, Aug. 27, 1903. Sentenced to the Massachusetts reformatory for life. Pardoned Dec. 26, 1906, upon the recommendation of the district attorney. The prisoner worked as a domestic for a family in Rutland, and, being pregnant and about to be confined, the family for whom she worked refused to have her on the premises. She was sent to the hospital in Worcester, where she gave birth to a child. She afterward returned with the child to Rutland, it being a cold, rainy day. Between 7 and 8 o'clock in the evening she left the child in a field by the roadside, and went to her cousin's home in Sutton, at which place she was arrested. The rain turned to snow and completely covered the child, and it was several days before the body was discovered. The child was warmly wrapped up when she abandoned it. Her conduct in the reformatory had been perfect. If she had been convicted simply of abandoning her child, and committed to the reformatory on an indeterminate sentence, she would have been released long ago; but she was indicted for murder, and sentenced for that offence. Other persons have been committed on an indeterminate sentence for abandoning their children, and earned a permit to be at liberty in one year from the time of their sentence. All who were conversant with the affair were satisfied that it was a case where executive clemency might well be granted.

[To the honorable senate and house of representatives, January 3, 1907.]

I have the honor to transmit herewith a report made to me by the chief of the Massachusetts district police relative to the boiler explosion in Lynn on December 6 last, and bespeak for the same and the recommendations contained therein your careful consideration.

[To the honorable senate and house of representatives, January 4, 1907.]

I beg to transmit herewith a communication from the honorable Robert Shaw Oliver, acting secretary of war, together with the draft of a proposed act relative to the purchase by the United States of America of two tracts of land in Boston harbor and to cede jurisdiction over the same to the general government, for the consideration of your honorable bodies.

[To the honorable senate and house of representatives, April 1, 1907.]

By the provisions of the so-called river and harbor bill enacted by the last session of congress the sum of one hundred and twenty-five thousand two hundred and thirty-three dollars was appropriated by the national government for the improvement of Dorchester bay and Neponset river, Massachusetts, to the Neponset highway bridge: *provided*, that no part of this sum shall be expended until the secretary of war shall have received satisfactory assurance that the improvement of that portion of Neponset river above said bridge as described in House Document 83, fifty-ninth congress, second session, shall be made and hereafter maintained by the Commonwealth of Massachusetts or other agency without expense to the government of the United States.

The estimated cost of the improvements which must be made, if this national appropriation is to be secured, is thirty-four thousand two hundred seventy dollars and forty-seven cents.

The same act provides a national appropriation of five thousand dollars for Essex river, provided the Commonwealth of Massachusetts or other agency appropriate five thousand dollars for that purpose.

The development of these rivers is necessary for the benefit of navigation, the development of commerce and the promotion of the public health. I earnestly recommend therefore that the action necessary to secure the conditional appropriations for the purpose made by congress be taken by your honorable bodies.

[To the honorable senate and house of representatives, April 1, 1907.]

I have the honor to call your attention to the provisions of chapter 225 of the acts of the year 1906 and chapter 365 of the acts of the same year.

Chapter 225 is entitled "An Act to provide for compensating persons held in quarantine by order of boards of health," and provides for the amendment of section 42 of chapter 75 of the Revised Laws so as to provide for the compensation of wage-earners when held in quarantine.

It appears, however, by the provisions of chapter 365, entitled "An Act to revise the laws relative to the establishment and maintenance of pest houses by cities and

towns," that section 42 of chapter 75 of the Revised Laws is repealed and a new section inserted which does not include the provisions of chapter 225. Chapter 225 was thus, by inference, repealed.

The purpose of chapter 225 seems to me to be salutary, and I therefore recommend to your honorable bodies that its provisions be in substance re-enacted.

[To the honorable senate and house of representatives, April 3, 1907.]

I transmit to you herewith for your consideration a petition in regard to taxation signed by T. Jefferson Coolidge, Stephen M. Weld & Co., and others, and addressed jointly to the chief executive and to your honorable bodies.

[To the honorable senate and house of representatives, April 11, 1907.]

I return without my approval a bill entitled "An Act to provide for sittings of the superior court for the county of Berkshire at North Adams." The expense that would be incurred in carrying out the provisions of the act would be paid for by taxes assessed upon the whole county. It is, therefore, I believe, a matter in which the taxpayers and voters of the county affected have a peculiar right to be heard.

An unusually large and representative delegation of the citizens of Berkshire from the most distant towns of the Commonwealth have waited upon me in the executive office to protest against this measure. There have also been filed with me protests signed by the members of the city government of Pittsfield and by the town governments of Adams, Alford, Becket, Cheshire, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesborough, Lee, Lenox, Monterey, Mt. Washington, New Ashford, New Marlborough, Otis, Peru, Richmond, Sandisfield, Savoy, Sheffield, Stockbridge, Tyringham, Washington, West Stockbridge and Windsor. The city of North Adams is in favor of the measure. No formal statement has been filed with me from the towns of Clarksburg, Florida or Williamstown, as to their attitude, but they are represented as also favoring the legislation. In addition to the protests above mentioned, remonstrances have been filed from various business associations, from members of the Berkshire bar, from manufacturers and

large taxpayers, and from individual citizens in such numbers as to make it evident that the county as a whole is strongly opposed to this measure.

It should further be added that upon careful inquiry I find no expression of friendliness to this measure, but on the contrary marked disapproval, from the bench.

This bill is one whose merits depend particularly upon the consideration as to whether it is or is not legislation desired and needed by the people of a single county.

An overwhelming preponderance of opinion from the citizens of the county from whom I have heard convinces me that it is not so desired. There is, moreover, no provision in the bill for obtaining the sense of the people upon it.

Finally, though a matter peculiarly involving the administration of justice, I am advised by the court that it is needless and undesirable legislation.

If it is argued in opposition to a referendum of this question to the people of Berkshire, that majorities may be sometimes unfair in their treatment of minorities, justice at least demands in face of the protests of such an overwhelming majority of the municipalities of the county, that action on this matter be postponed until the citizens interested may have further opportunity to discuss the question on its merits before another legislature.

I therefore return the bill.

[To the honorable senate and house of representatives, April 12, 1907.]

Massachusetts has fortunately ever been devoted to the ideals of humanity, charity and justice. Her expenditures show how very small a part mere materialism plays in her legislation.

The Commonwealth spends nearly three million dollars a year in public charities, a million in reformatory and correctional institutions, a million in various forms of State relief to veterans, — almost entirely to veterans of the civil war, — nearly a million on education, half a million on the judiciary and considerably less than half a million on the maintenance of law and order through the militia. The various boards and commissions, established chiefly for the regulation of corporate activity and the correction of abuses, cost altogether, roughly another million. These are the principal items of annual expenditure.

With the exception of the comparatively modest appropriations for state highways and for expenditures under the commission of harbors and public lands, little or nothing is spent by the Commonwealth for the direct promotion of commerce and transportation as distinguished from their regulation.

I desire therefore frankly to call your attention to the material development of the Commonwealth. We know of course of various forms of action that could be taken by the National Government that would benefit Massachusetts. Liberal appropriations have already been given for the deepening and development of Boston harbor.

Has not the time come now, however, when Massachusetts should investigate means of helping herself? Is it not common sense to prevent depression before it does appear? I do not believe that in order to secure progressive legislation it is necessary to drive investors away from Massachusetts by misrepresentation of our actual business conditions.

The Commonwealth is prosperous. The value of the agricultural produce of the Commonwealth in 1895 was fifty-three millions. In 1905, the last Census year, it was sixty-four millions, a gain of 21.03 per cent. Though small in area, Massachusetts is, measured by value of produce, the first agricultural state in New England.

The value of our manufactures increased in the same ten years from \$734,652,132, in 1895, to \$1,124,092,051, in 1905, a gain of 53.01 per cent. In the leading industries, percentages of gain are shown as follows, in 1905 as compared with 1895:—

Boots and shoes,	.	.	.	.	.	.	42.20
Carpetings,	.	.	.	.	.	.	46.63
Cotton goods,	.	.	.	.	.	.	42.46
Leather,	.	.	.	.	.	.	30.07
Machinery and metal goods,	.	.	.	.	.	.	44.47
Paper,	.	.	.	.	.	.	55.98
Woolen goods,	.	.	.	.	.	.	68.83
Worsted goods,	.	.	.	.	.	.	147.78

The actual gains and losses in value of product between 1895 and 1905 as compared with the preceding decade are as follows:—

	1885-1895.	1895-1905.
Boots and shoes, . . .	+\$7,405,548	+\$51,544,547
Carpetings, . . .	+910,774	+3,472,679
Cotton goods, . . .	+32,190,463	+39,749,425
Leather, . . .	-145,634	+7,725,207
Machinery and metals, . .	+12,092,772	+32,814,673
Paper, . . .	+6,731,398	+15,650,403
Woolen goods, . . .	-2,377,315	+20,216,133
Worsted goods, . . .	+9,777,848	+30,997,948
	+ = gain.	- = loss.

It cannot therefore in honesty be denied that manufacturing in Massachusetts is not only prosperous but infinitely more prosperous than in the immediate past.

It is the public testimony of one of our largest shoe manufacturers that only the high rents in Boston, in themselves a sign of prosperity, prevent the establishment of more shoe factories even in the crowded limits of our capital city.

Savings bank deposits in Massachusetts increased in ten years from \$439,269,861 to \$662,808,312, a gain of 50.89 per cent. The average deposit in savings banks per capita for each person of the population was, in 1885, \$141.64; in 1895, \$175.69; in 1905, \$220.67. According to the latest figures Massachusetts, except New York, that Mecca of multi-millionaires, is per capita the richest state in the Union.

Immigrants at least appreciate, if all citizens do not, that Massachusetts is a field for enterprise. The half million added to our population between 1895 and 1905, in spite of the fact that Massachusetts is with one exception the most densely populated state in the Union, is a larger gain in actual numbers than that shown by any other state, excepting only those huge tracts embraced in the boundaries of New York, Pennsylvania, Illinois and Texas.

Commerce in long hauls as well as by local transportation of freight and passengers has increased so fast that the subways and their terminals in Boston as well as the great railroad stations built so short a time ago and with an eye to future development, are already utterly inadequate for the swift increase of traffic. The railroad commission has repeatedly pointed out this fact and has suggested other needed improvements, some of which have been adopted.

It is true however that the export trade of Boston is not developing as fast as it should. It is true also that the great delay in the transportation of freight is a serious drawback to an even swifter development of commerce and manufactures.

Again, although our manufactures are rapidly increasing, it is true that some Massachusetts capital that normally should go to increasing plants for cotton and carpet manufacture in Massachusetts has gone not only to the construction of such plants in the south, but even to other New England states.

Remedies for these weak points in the line of general advance deserve immediate attention.

The future of Massachusetts in the export trade is in the export of manufactured goods. Yearly manufactures form a larger and larger proportion of our total exports.

In 1900, the year of the last national census, of total United States exports valued at \$1,394,483,082, but \$484,846,235, represented manufactures. In 1906 out of total exports of \$1,743,864,500, the sum of \$686,023,169 represented manufactures. Massachusetts manufactures the very kind of goods that are wanted abroad. Cannot we ourselves at least do something to get the products of our workshops more cheaply from the shop to sea water? Can we not make sure that the port of shipment is a Massachusetts port?

If, however, we are to export manufactures by Boston ships we must attract these ships by the guarantee of bulk freight for ballast. We need something more than better treatment on freight differentials to secure through shipments of grain and other bulk freight. We need something more, too, than better tariff conditions. It is idle to seek for more shipments of goods over trunk tracks incapable of promptly forwarding and handling even the freight now offered to-day for shipment.

The crying evil in Massachusetts is lack of sufficient trackage on trunk lines to handle through freights and to provide for even more shipments when we do or can get such shipments. The failure to build such tracks, the lack of interest of investors in providing the means for such facilities, is a basic fact in the present unsatisfactory condition of transportation in Massachusetts.

It may not be generally known to the people of the

Commonwealth that in the last ten years, between 1896 and 1906, an addition of only ten miles of a third track character, of only seventeen miles of a fourth track character, have been added to the steam trackage of Massachusetts. Only two hundred and seventeen miles even of sidings of different kinds have been added in ten years. Although the lines are notoriously overwhelmed with traffic in a period of enormous increase of production, the railroads have as yet failed to furnish the trunk lines of track needed to keep pace with this production and Massachusetts capital has failed to rise to what on the surface would seem to be a natural and profitable investment in providing them. An investigation should at once be made as to the means of securing more new through steam tracks across the Commonwealth and not for the benefit of one city alone but of every Massachusetts city and town.

The brilliant prosperity of cotton mills on tide water suggests another field for investigation in the possibility of developing tide water lands for manufacturing purposes. We are spending money freely and wisely in the metropolitan district in developing certain river fronts as parks. Why not spend a little in developing river banks and waste land on tide water for manufacturing purposes? May we not create opportunities for mills built on sea water, that fuel and material may be hoisted direct from the coal barge and the steamer or at least from the lighter into the mill? The saving thus effected in transportation would mean the difference between loss and high profit.

The encouragement by development of water powers or otherwise of the smaller industries, the development of the small shop requiring but a modest investment but high industrial skill, is also worthy of examination.

In legislation affecting finance, manufactures and transportation Massachusetts has ever been careful, and should continue to be so, of the interests of the investor, of the travelling public and of labor. I do not believe that the proper safeguarding of those interests is inconsistent with an expert study of existing conditions of transportation and industry in Massachusetts, with the avowed object of securing a larger investment of capital in Massachusetts and of removing such obstacles as can safely be removed from the path of an even more rapid industrial develop-

ment. Nothing can help us more than a candid, dispassionate investigation and declaration of facts in regard to the present condition and future possibilities of investment here at home.

Let us have Massachusetts capital for Massachusetts. Let us see, moreover, if there are not means by which there may be an immigration rather than an emigration of capital that shall co-operate with the existing immigration of labor for the further extension of the industrial leadership of this Commonwealth.

I recommend the authorization of an unpaid commission on commerce and industry, representing law, transportation, manufactures, capital and labor. This commission should be clothed with all powers necessary to secure needed information. It should be composed of disinterested citizens of recognized ability. It should not be restricted in scope, but should be authorized to extend its study to any line of investigation bearing upon the future of the industries of the Commonwealth of Massachusetts. After careful study of what opportunities exist now, to-day, for the exploitation and development of our industries, of what needs to be done, whether by legislation, by executive action or by other means, their report should be the plain simple truth told without fear or favor.

[To the honorable senate and house of representatives, April 18, 1907.]

I return without my approval a bill entitled "An Act to establish the salary of the clerk of the superior court for civil business for the county of Suffolk."

This bill fixes the salary of the clerk of the superior court for civil business in Suffolk county at \$6,500. In 1904 the legislature passed an act establishing a schedule of salaries for county officers after a careful and prolonged investigation, by a special recess committee appointed for the purpose. It had been generally recognized that there were many inequalities and injustices in such salaries, especially in those of clerks of courts and other county officials, and the legislation in question was an effort to reform conditions which had existed and under which in some counties the clerks were inadequately paid while in other counties they were overpaid.

In the revision of the salary lists by the legislature of 1904, the fact was recognized that the most populous

counties of the state and those having the greatest amount of court business, — namely, Suffolk and Middlesex, might in justice employ clerks at a higher salary than should be paid to the clerks in any other counties of the Commonwealth. It was determined, and we must assume only after taking into consideration the exceptional requirements of the office in Suffolk county, that the clerk of the superior court for civil business, as well as the clerk of the superior court for criminal business in that county, should be paid \$6,000. For reasons, however, which the legislature regarded as adequate, it was specifically provided that the then incumbent of the office of clerk of the superior court for civil business should not be required to suffer a reduction in salary. If it had been decided that the work of the office on its merits was worth a salary of \$6,500, the legislature would, it seems to me, have voted to continue the old salary beyond the official life of the incumbent of the office at that time.

The salary of the official to whom this bill applies was set by the legislature of 1904 at the high figure of \$6,000. This remuneration is already in excess of that of the secretary of the Commonwealth, of the state auditor and of the treasurer and receiver general. It is now, however, proposed to increase the salary of this same official from its present high figure, so as to make the financial recognition of his services equal to that of the justices on the bench and thirty per cent in excess of that of the attorney-general of the Commonwealth.

The argument is made, I know, that the sum provided by this bill as a salary for the office of clerk of the superior court for civil business in Suffolk county was once paid to an office holder of less efficiency than the present incumbent. It is evident, however, that after careful legislative inquiry, the general court decided that the sum formerly paid was in the nature of an extravagant remuneration for the services rendered. That extravagance should once have existed is no argument for its perpetuation, especially in view of the care with which the legislation of 1904 was adopted for the benefit of the taxpayers. In the present instance the beneficiary of this special legislation, though no reflection has been cast upon his integrity or the ability with which he has exercised his duty, has not even the sentimental excuse of long service.

The proposed salary being out of proportion to that paid to judges and to other officials of high responsibility, it cannot be, in my judgment, logically sanctioned without a general increase of the salaries of other servants of the public whose labors are infinitely more arduous and whose responsibilities are certainly infinitely greater.

For these reasons I submit to your honorable bodies that the salary proposed by this bill is inequitable, and I therefore feel obliged to withhold my approval.

[To the honorable senate and house of representatives, April 23, 1907.]

I have the honor to transmit a communication received by me from the board of Jamestown Exposition Managers for Massachusetts, and to commend especially for your favorable consideration the recommendation that the Commonwealth be fitly represented at the exposition on September 5th, which has been designated as Massachusetts Day.

[To the honorable senate and house of representatives, April 24, 1907.]

I have the honor to transmit a communication received by me from a committee of the trustees of the Medfield insane asylum relative to an exigency which has arisen respecting the water supply of the asylum, and which it appears can only be met by legislation. I respectfully bespeak for the same your careful and, under the circumstances, prompt consideration.

[To the honorable senate and house of representatives, May 1, 1907.]

I return without my approval a bill entitled "An Act relative to the exemption of certain substitutes and call members of fire departments from certain civil service rules."

The title does not accurately describe the legislation offered under it. This bill is not, as the title would make it appear, applicable to all fire departments. The city of Boston is exempted from these sweeping provisions. Furthermore, the character of these exemptions is not, as it would appear, limited, but so extensive as in effect to blot out absolutely the application of the whole principle of civil service reform from every fire department in the Commonwealth except that of the city of Boston.

Careful regulations which have been duly authorized

by legislation have provided uniform tests, physical and otherwise, for firemen all over the Commonwealth. This bill puts matters back to conditions of fitness or unfitness as various as the number of municipalities affected and as transitory as each passing local administration.

A local physician as provided in this bill acting under the orders of a local authority for the special purpose of furnishing a certificate to the person whom the local authority desires to appoint is not likely, as long as human nature is what it is, to act with any great degree of rigid impartiality.

Moreover, at the present time the civil service commissioners provide not merely a physical examination by which candidates must show themselves of sound health, but provide in addition a special endurance or strength test. A man may be technically sound in health without possessing that degree of strength and endurance which is necessary to enable him properly to perform the muscular exertion required of a fireman when, for example, he is required to carry a fainting woman down a ladder. There is no provision in this bill that this additional test, which I am informed has been provided by the civil service commissioners upon the direct representations of the fire chiefs themselves, shall be made by any person. In short, the so-called physical examination to be made by a local physician as provided for in this legislation is, in my judgment, but a stalking horse to conceal the fact that the measure would in practice result in an absolute return to the spoils system, with every opportunity for the application of local political influence and graft, in appointments upon whose character is dependent not merely the security of property, but of human life.

This bill would permit any call man, irrespective of age or continuous service, to be appointed on the permanent force, provided only he has served five years, and would operate to nullify the present provision established only after most careful consideration of the requirements of the service, which fixes an extreme age limit of forty-five years in appointments to the force. I submit to your honorable bodies that it is not in the public interest to permit the fire service of our municipalities to be handicapped by men of weak physique, whether due to advanced age or any other cause.

Under this bill also, if it became law, the reading and writing test being abolished, local political influence could fill fire forces with men too ignorant even to read the regulations of their own department or to sign a receipt.

A reading and writing test is required of every citizen of Massachusetts. The requirements for such highly responsible public employment should not be, as this bill would make them, lower than the requirements for citizenship.

If any branch of public service should especially be divorced from politics, it is such branches as especially are concerned with the safety of property and the preservation of human life, notably the police and fire departments.

This bill in my opinion would open the door to the same malign influences which healthy modern publicity in governmental methods is driving everywhere out of existence.

I cannot aid in dragging the Commonwealth back one step from the highest standards of civil service.

[To the honorable senate and house of representatives, May 22, 1907.]

I return without my approval an act entitled "An Act to establish the salaries of the clerks and assistant clerks of district, police and municipal courts."

A most elaborate and carefully considered report on this subject was made by a joint special committee of the legislature appointed in 1903 to frame general laws as to the salaries of state and county officials. Previously every official's salary was determined without system by special legislation.

A large number of court and county officials were provided for in this legislation consistently with a carefully thought out system by which salaries are made proportional to the population of the county or court district. The Commonwealth then adopted the policy that these salaries should be revised each five years as the census shows an increase in the population, and hence in the court business, in the district, the court advancing correspondingly from a lower to a higher salaried class.

The intention of the act of 1904 was, and in my judgment most wisely, to wipe out special legislation for special classes or individuals.

The salaries paid under this system established by the law of 1904 have once already been increased in accordance with the increase in population shown by the census of 1905. They will be increased again in accordance with the increase in population which will without doubt be declared by the census of 1910.

This bill therefore proposes to increase salaries already marked up in 1905 and to be marked up again in 1910.

The salaries of the positions in question are not, as many might suppose, the sole income of most of those who would benefit by this act, nor do the duties in question occupy the entire time of the incumbents. These positions are attractive, the incumbents are now well paid for the work done, and the occurrence of any vacancy is the signal for an eager contest. The occupants are permitted to increase their salaries by bail fees, for example. In the smaller courts the clerk not infrequently also receives a second regular salary as probation officer. Furthermore, with certain restrictions, these clerks are permitted to practice and in most cases do practice their profession.

If this question had not been carefully considered and provided for in a general statute, if no advance had been made or was likely in the near future to be made by the orderly and regular operation of that statute, it might be necessary to consider this special, almost personal, legislation for these public servants who are of necessity carefully selected, are worthy of confidence, and are I believe without exception honorable gentlemen.

I cannot, however, conscientiously approve the breaking down piecemeal of the wise general legislation of 1904 which set the salaries of court officers outside the influence of politics and provided for automatically increasing salaries for these same public officials as the duties of their office increase.

[To the honorable senate and house of representatives, June 5, 1907.]

It does not seem to me wise that this session of the general court should dissolve without a clear understanding of just what is proposed by those directly interested in the reorganization of a great transportation system in Massachusetts. I have therefore the honor of laying before you for your consideration the following correspondence:—

EXECUTIVE DEPARTMENT, BOSTON, June 4, 1907.

CHARLES S. MELLEN, ESQ., *Pres. N. Y., N. H. & H. Railroad,*
South Station, Boston.

DEAR SIR:—Undisputed but unofficial statements in regard to a proposed combination between the New York, New Haven and Hartford Railroad system and the Boston and Maine Railroad have become so general that it seems to me highly desirable in the public interest that an official statement concerning the methods that have been or are to be pursued in effecting such consolidation should be made to the responsible representatives of the Commonwealth.

I feel sure that you will have no objection to sending me such information at your earliest convenience, together with any statement you may care to make in regard to the future development of transportation, commerce and industry in Massachusetts.

Very sincerely yours,

(Signed) CURTIS GUILD, JR.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.,
PRESIDENT'S OFFICE, BOSTON, MASS., June 4, 1907.

DEAR SIR:—In answer to your favor of even date, let me say:

Interests identified with my company *have acquired* a large stock interest in the Boston and Maine Railroad and have entered into agreement to acquire such additional stock as may desire to avail of the terms within a reasonable time in the future.

The basis of such acquisition made and proposed has been the exchange of shares of the two companies share for share with a commission to be paid by Boston and Maine shareholders of seventy-five (75) cents per share, a similar commission being paid by the purchasers.

While no shares of Boston and Maine stock are held by my company and it has not been proposed any shall be, still it is unquestionably true the purchases are made and held for its account in the hope and belief an ultimate union of the two properties will be permitted, and when the results of a common control are made manifest it is

believed the benefits will so appeal to the interests of the Commonwealth as to warrant a consolidation of the two properties into one under such restrictions and regulations, of course, as may seem necessary and desirable to safeguard all interests.

Until the authority of the Commonwealth is obtained, no change can be made in the status of the Boston and Maine Railroad; none is proposed, — nor is there desire any shall be. The company will be handled by its own board of directors, who will elect its own officers, who will administer the property in its own interest, performing its duties and fulfilling all its obligations to the public and its stockholders in the future as in the past.

The purchase of the shares of Boston and Maine stock referred to was made not as a result of the desire for aggrandisement on the part of the interests dominant in our company, but that they should not have been sold elsewhere, as would have otherwise been the result, and, which might have been most detrimental, we believe, not only to the interests of our company, but, as *we conceive*, of those of the Commonwealth as well.

No stock has been or will be issued in connection with this purchase against which a charge of stock watering or inflation can lie, for every share of New Haven stock issued will represent a share of Boston and Maine retired, and no capital will be outstanding on which dividends must be paid more than at the present time.

No reduction of facilities is permissible in the view of an intelligent management of a public corporation, — one that has favors to ask of the Commonwealth to successfully carry out its plans, but rather that increased facilities shall be given, that an increased business may result and a better net return be available, for increased development has invariably followed an increase of facilities and reduction in rates in our experience in a highly developed and congested territory like that served by the Boston and Maine lines.

It is our confident belief an increased service, without transfer through the Connecticut valley, through the union of these properties under a common control and ultimately by consolidation, will result in the development of a largely increased revenue through the greater convenience available.

Similarly a through service by way of Worcester and Nashua through the Merrimac valley cannot fail to benefit materially the public, with resulting advantage to the revenue of the railroad.

A through service to and from the state of Maine offers possibilities for revenue not to be lightly considered, — possibilities so large with such a field for exploitation so near at hand, it seems little doubt should be expressed of the result.

It is possible through this common control to bring the roads in Boston all into a union station, with resulting convenience to the travelling public and economy to the railroads.

It is also possible with the great amount of contributive business under a common control to compel such consideration of Boston's position that the differentials under which its merchants have so long suffered shall no longer discriminate against its importance in the commercial world.

Having no possibility of becoming a trunk line to and from New York and the West, the whole influence of our company must be exerted upon the attraction of the largest amount of business to and from Boston as against any other port, and the economy in concentration of the terminals must of necessity interest the company in the development of the property of the Commonwealth in South Boston for this purpose, thus making possible for the first time a realization of the plans of those who projected that improvement.

Nothing our company could do could place it under greater bonds to do all that was in its power to develop to its utmost anything and everything that will tend to promote the business of Boston and New England. If they cease to grow and prosper, we shall wither and die — we cannot prosper in a community alone, — we must share your burdens as well as your prosperity.

It is unworthy of discussion, the fear of the misuse of power, if this combination be permitted. Why should this old Commonwealth fear any artificial creation of its own or of a neighboring state transacting business within its borders by its permission? What matters it who owns the shares of your corporations? The corporations still exist and are subject to your laws and your control. They

cannot move away or avoid service or evade their obligations if your officials do their duty.

The power to control, to regulate is unquestionable — the creature cannot become greater than or independent of its creator.

The company I represent recognizes fully its obligations to the public, desires to be a law abiding citizen of your Commonwealth, is trying to perform all its duties efficiently and to your satisfaction, and believes it is in position to do more for the commercial interests of your Commonwealth at the present time than was ever possible before and seeks to do it in such a way as to merit your approbation and be recognized as your most efficient public servant.

Sincerely yours,

(Signed) C. S. MELLENS,
President.

His Excellency CURTIS GUILD, JR.,
State House, Boston, Massachusetts.

The consolidation of corporations becomes dangerous not only in itself but in its consequences whenever the managers of private capital entrusted with a public service so abuse that trust as to excite agitation for the seizure and operation of private properties by Commonwealth or nation.

Mere vituperation against railroads on the other hand and the removal of all inducement to investors by the suppression of all possibility of reasonable profit simply spells destruction not only to swift and convenient transportation but to commerce, manufactures and even to agriculture.

Every approach to monopoly demands a greater measure of public regulation and control, for if the state does not control the railroad, the railroad is reasonably sure to control the state.

I believe that this session should not close in silence on this question. It should leave behind it some safeguards of the public interest to which, I feel sure, no reasonable objection can or will be made by such as honestly seek their own profit through economy of administration and not by increased burdens on the public.

A promise has been made in the letter submitted to you that "no stock has or will be issued in connection with this purchase against which a charge of stock-watering or infla-

tion can lie, for every share of New Haven stock issued will represent a share of Boston and Maine retired and no capital will be outstanding on which dividends must be paid more than the present time."

This promise is contingent on the life and health of a single man or at best of an existing board of directors. It should be crystallized into law that the public may be protected from any stock-watering device or extra distribution of dividends to be taken ultimately from shippers and passengers in the shape of excessive charges.

The present law provides that where a change in rates or fares is reasonable and expedient the railroad commissioners shall in writing inform the corporation of its recommendations. I suggest the extension of the statute.

If in the future any railroad proposes to increase freight rates or passenger rates, if in the future any railroad proposes to withdraw or curtail existing privileges of any kind it should face a new, clear and explicit statutory provision that any increase in charges by common carriers, any curtailment of privileges enjoyed by passengers or shippers can only be made after a public hearing and the written approval of the railroad commissioners.

Control of the organization of great corporations never can be entirely effective, in the absence of a national law governing incorporation.

Whatever may be possible, however, in the way of the organization of combinations under the conflicting corporation laws of the various states, the time has come when Massachusetts should by statute publicly affirm, even if it be to some extent reaffirmation, her determination to control the operation of railroads within her own borders.

I do not believe that we shall have done our full duty to the people of the Commonwealth if we separate without securing in clear and explicit language some such safeguards of the rights of the public. The success or failure of the consolidation in question will largely if not entirely depend on such legislation as may or may not be granted, but neither railroad manager, investor nor citizen should be obliged to wait six months to learn where Massachusetts stands in regard to any proposition which presents any immediate or ultimate possibilities of increased charges on the public, or curtailment of transportation facilities.

A square stand on such foundation principles of legislation should be taken now.

[To the honorable senate and house of representatives, June 10, 1907.]

I return without my approval a bill entitled "An Act to provide for suitably rewarding certain veteran soldiers and sailors."

This bill proposes a distribution of money raised by taxation to the extent of a hundred and twenty-five dollars to every living veteran who enlisted in the civil war without being paid at the time and who has not been paid since for his patriotic impulse.

It provides for a gift of money to a certain group of Massachusetts veterans but not to all Massachusetts soldiers who have served their country nor to the heirs of those who have served her well. The widows of men who died in the field are, for instance, ignored in its provisions. A nominal limit of a few hundred thousand dollars is set upon immediate expenditures under this bill.

It applies only to those who did not receive bounties when they enlisted in the civil war and its avowed object has been after forty years to put such surviving soldiers as volunteered without bounty on equal terms with those who volunteered and did receive a bounty. No attempted cleverness of phraseology can conceal this fact.

Such a bill is completely described and squarely declared unconstitutional in a ruling signed by every judge of the supreme court and given to the legislature in May, 1906. Here are the words:—

"If a bill should appear, by its substantive provisions, to be a measure for the equalization of bounties among the soldiers of Massachusetts who served in the civil war, *or for the payment of moneys to make the result of their contracts of enlistment more favorable to certain soldiers because the contracts of other soldiers were made on better terms*, it would be unconstitutional, even if it contained recitals that the payments should be made in recognition of valuable services, with a view to the promotion of loyalty and patriotism."

At the close of the opinion the learned judges declare that the only gratuities, so-called, that can legally be bestowed for past military service are such as might be earned by "distinguished and exceptional service." Massachusetts in other words might, it appears to me, vote a sword of honor to one of her distinguished soldiers for a particular act of heroism in battle but her taxpayers cannot

legally be called upon to add to the money payment of soldiers for services rendered to the United States without regard to the kind of service rendered and simply for the purpose of "evening up" the remuneration received for being on the rolls.

If such a gift could constitutionally be given as proposed without proof of "distinguished and exceptional service" to some volunteers in one war, common justice would demand that it be extended to all volunteers in every war and particularly to those who have received the congressional medal of honor for just such "distinguished and exceptional service" in the field.

Furthermore, it would establish for all future wars the unpatriotic precedent that Massachusetts, alone among the states, cannot trust to unpaid patriotism to ensure the raising of her quota of volunteers in any future crisis.

No one can honestly say that Massachusetts, that the United States, has been ungrateful to the men of '61. Of the 26,160 veterans of the civil war living in Massachusetts at the last census in 1905, 20,510 were drawing pensions from the national government. It is therefore fair to say that practically all the money paid in pensions in Massachusetts is going to veterans of the civil war or to their families.

Last year the national government paid out in pensions in Massachusetts \$5,258,862.38. The Commonwealth of Massachusetts this year is paying out in similar fashion in various ways in addition to this large contribution from the national government, the sum of \$1,092,597.50. In addition to federal and state generosity the cities and towns are further taxed for local aid to veterans.

It is therefore within the truth to say that national, state and local revenue turns over to veterans and their families in Massachusetts every year at least seven millions of dollars. This sum is just double the amount of the entire direct state tax for 1906.

Next to expenditures for public charities, care of the veterans of the civil war is now the heaviest burden on the Massachusetts tax payer. The annual amount, eleven hundred thousand dollars, that must in accordance with laws now in force be annually raised for aid to veterans in various ways out of our state taxes is three times the annual cost of the militia of the Commonwealth. It is more than

the entire cost of prisons and correctional institutions. It is nearly double the combined annual cost of all executive and legislative departments of our state government. It is nearly double the annual expenditure on education. It is nearly double the annual expenditure on all the boards and commissions of the Commonwealth. It is four times our total expenditures on agriculture now unusually large on account of needed expenditures to suppress insect pests.

In addition to the generous sums distributed by the national government to Massachusetts veterans since the civil war, over sixty million dollars have, the auditor informs me, since 1865 been paid by the taxpayers of Massachusetts on account of the veterans of the civil war.

This heavy burden, cheerfully borne by the taxpayer of Massachusetts, is more than all the amounts so contributed by all the other states. This one Commonwealth has done more for the veteran than all other commonwealths combined in actual cash contributions to his comfort.

The veteran of the civil war, moreover, is given a preference over other citizens in the assessment of taxes and in examination for the civil service. He may by an act passed this year be retired on half pay from the service of the Commonwealth when advancing age incapacitates him, if his service to the Commonwealth in peace, not to the nation in war, has earned him this right in the eyes of the governor or of the governor and council.

Two attorneys-general have said that in their opinion measures similar to this were unconstitutional. Three governors have vetoed such measures on similar grounds. The supreme judicial court of the Commonwealth has declared the principle of this bill unconstitutional.

Moreover, the addition of a general referendum to the people of the entire state makes this measure, according to an opinion already rendered by our supreme court, unconstitutional even if its original provisions were sound. Upon this particular point and without questioning the constitutionality of acts of purely local application which the legislature have made subject to acceptance by the people of a single municipality, the court says (160 Mass. 586):—

“Apparently it was thought that the persons selected for the executive, legislative and judicial offices in the

manner prescribed in the constitution would be men of good character and intelligence, of some experience in affairs, and of some independence of judgment, and would have a better opportunity of obtaining information, taking part in discussion, and carefully considering conflicting opinions, than the people themselves; and the people therefore put the responsibility of carrying on the government upon their representatives."

The question under discussion was an act granting women the right to vote in town and city elections. The act provided that it should take effect throughout the Commonwealth on its acceptance by a majority vote of the voters of the whole Commonwealth.

The court further said (182 Mass. 600):—

"It is well established in this Commonwealth and elsewhere that the legislature cannot delegate the general power to make laws, conferred upon it by a constitution like that of Massachusetts. This doctrine is held by the courts almost universally."

No man, — none even, I respectfully submit in your honorable bodies, — more deeply appreciates than I the service of the volunteer of 1861. But I cannot, even for his sake, give my official approval to an act containing provisions which the supreme judicial court have pronounced unconstitutional.

[To the honorable senate and house of representatives, June 12, 1907.]

I return without my approval a bill entitled "An Act to authorize the city of Holyoke to harvest ice and to sell it at wholesale."

If this bill could become a law it would establish a precedent by following which town, city or Commonwealth might engage in any kind of commercial or manufacturing enterprise.

This bill not only seeks to establish such a precedent but even goes to extremes in municipal finance by authorizing the city to borrow money outside its debt limit that it may engage in such a business experiment.

Such a radical departure in the function of government should only be taken after the most careful and serious consideration. Our supreme court has said (182 Mass. 605):—

"There may be some now who believe it would be well

if business was conducted by the people collectively, living as a community, and represented by the government in the management of ordinary industrial affairs. But nobody contends that such a system is possible under our constitution."

Water, gas, electric light and transportation cannot be furnished to the public without permission granted by the public for the laying of pipes and tracks and the erection of poles or wires. Such services are naturally and properly subject to public control.

This proposed legislation as to a municipal ice plant goes further, however, than government ownership of public utilities. It proposes that a city should conduct a kind of business that needs nothing more than what any private citizen can secure by raising the necessary capital and investing it in a plant. The manufacture and sale of shoes or clothing, the cultivation and distribution of vegetables, the erection and leasing of tenements, — any business enterprise in short, — could be lawfully conducted by a city if this act were lawful.

The opinion of the supreme court in the case already cited seems clearly applicable to this bill. The justices say: —

"The business of selling fuel can be conducted easily by individuals in competition. It does not require the exercise of any governmental function as does the distribution of water, gas and electricity, which involves the use of the public streets and the exercise of the right of eminent domain. It is not important that it should be conducted as a single large enterprise with supplies emanating from a single source, as is required for the economical management of the kinds of business last mentioned. It does not even call for the investment of a large capital, but it can be conducted profitably by a single individual of ordinary means."

In answer to a formal inquiry addressed by me to the attorney general on this subject, that official writes me concerning the language just quoted: —

"To my mind this language is as applicable to the business of selling ice to the inhabitants of a city or town generally as to the business of selling fuel to such inhabitants, and indicates that the conducting of such a business is not a public purpose for which money may be raised

by taxation. Moreover, when it is considered that the bill authorizes the sale of ice at wholesale only, it is even more apparent that the purpose is not public."

We have not to decide whether this legislation, so serious in its character, is or is not desirable. Legislation of a similar character has been declared unconstitutional by the supreme court, and I must therefore withhold my approval to this bill.

[To the honorable senate and house of representatives, June 27, 1907.]

I return without my approval a bill entitled "Resolve in favor of William F. Willis."

This resolve provides that "there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars to William F. Willis of Brockton, a veteran who served in the United States army to the credit of the town of North Bridgewater and who never received the bounty promised him for such service." Willis was regularly enlisted in Company D, 58th Mass. volunteer infantry, February 20, 1864, under the call of the president of February 1, 1864.

It will be observed that this bill states that Willis "never received the bounty promised him." This statement, as far as can be ascertained from every available authority, is pure assumption. There is no evidence anywhere except his own assertion, unsupported by any documentary record of an official character, that Willis was ever promised a bounty by any one in authority in the town of North Bridgewater. Moreover, the whole amount of money appropriated and expended by the town on account of the war, exclusive of state aid, was about \$60,000, and of this amount only \$8,800 has been accounted for. It is reasonably certain therefore that the town expended a considerable sum for bounties of which no record exists.

By an act of the legislature (chapter 122) approved by Gov. Andrew March 31, 1863, cities and towns were prohibited from paying bounties and any officers of a city or town who should offend against the provisions of this act were punishable by a heavy fine or imprisonment. But by an act (chapter 254) approved November 18th in the same year it was provided that "the governor shall offer and pay a bounty of three hundred and twenty-five dollars to each volunteer." Willis received the three hun-

dred and twenty-five dollar bounty in accordance with this act and his signature to the receipt of the money in person is on file in the auditor's office.

Not until March 18, 1864, over a month after Willis's enlistment, — by chapter 103, were cities and towns authorized to raise money for recruiting purposes and to refund money already expended for recruiting, not to exceed one hundred and twenty-five dollars. But this act neither sanctioned the payment of this sum as a bounty nor did it repeal the act of March 31st of the preceding year, which specifically prohibited the payment of a bounty by a town under a heavy penalty.

By an act (chapter 525) of the year 1898, a commission was created to act upon claims for unpaid bounties. This commission was authorized to award bounties to veterans who had been promised a bounty by vote of any city or town "whether such promises were at the time valid in law or not." That is to say in cases where evidence existed that a city or town had promised a bounty without warrant of law or even after the specific prohibition of the law of 1863, the veteran who could produce such evidence might be paid by the state. This most generous assumption by the Commonwealth of obligations improperly incurred by cities or towns was entered upon on the ground that men who had been induced to enlist under a promise of a bounty by a city or town should not in justice be deprived thereof merely because the municipality had no legal authority to make such a promise. But the bounty commission, composed though it was of three veterans of the civil war, even under this liberal construction disallowed the claim of Willis, for the reason that no sufficient evidence was furnished that he had been given a promise, even one that, though invalid in law, might be said to have some moral binding force.

On the nineteenth of June current I approved two bills laid before me by the legislature providing respectively for the payment of bounties of one hundred and twenty-five dollars each to Jeremiah McCarthy and to Alexander K. Ripley. In both these cases there exists unquestioned documentary evidence of votes passed by Taunton and Kingston by which these men on enlistment were promised bounties, and had they made proper application to the bounty commission their claims would, on this evidence,

have been allowed. No such evidence, however, has ever been produced in the case of William F. Willis of North Bridgewater, and hence it cannot be said that his case is similar to theirs. Moreover, Messrs. Ripley and McCarthy never received the three hundred and twenty-five dollars bounty which was given Willis by the Commonwealth under the provisions of the act approved on November 18, 1863.

For these reasons, therefore, this bill cannot be approved:—

1. In forty-three years the beneficiary of this resolve has failed to present or to secure any evidence whatever in support of this claim, not for a single but for a second bounty.

2. No evidence exists, aside from Willis's own unsupported statement, of any promise being made to him, such as is alleged by the bill to have been made.

3. The commission of 1898 disallowed the claim after failing to find any evidence to substantiate it.

4. While there is no evidence of any obligation, legal or moral, incurred by the town of North Bridgewater to pay Willis a bounty, he, as a matter of fact, after the legislature had prohibited cities and towns from paying bounties, did receive from the state a bounty of three hundred and twenty-five dollars under the act of November 18, 1863.

[To the honorable senate and house of representatives, June 27, 1907.]

I return without my approval a bill entitled "Resolve in favor of Joseph G. Warren."

This resolve provides that "there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars to Joseph G. Warren of Brockton, a veteran of the civil war, who served in the United States army to the credit of the town of North Bridgewater, and who never received the bounty promised him for such service." Warren was regularly enlisted in Company D, 58th Mass. volunteer infantry, January 2, 1864, under the call of the president of October 17, 1863.

The facts and circumstances of this case are identical with those in the case of William F. Willis of Brockton, a resolve in whose favor I am also returning this day to your honorable bodies without my approval. I am, there-

fore, returning this resolve for the same reasons as are set forth in my message to you of this date accompanying the return of the resolve in favor of William F. Willis, namely: —

1. In forty-three years the beneficiary of this resolve has failed to present or to secure any evidence whatever in support of this claim, not for a single but for a second bounty.

2. No evidence exists, aside from Warren's own unsupported statements, of any promise being made to him, such as is alleged by the bill to have been made.

3. The commission of 1898 disallowed the claim after failing to find any evidence to substantiate it.

4. While there is no evidence of any obligation, legal or moral, incurred by the town of North Bridgewater to pay Warren a bounty, he, as a matter of fact, after the legislature had prohibited cities and towns from paying bounties, did receive from the state a bounty of three hundred and twenty-five dollars under the act of November 18th, 1863.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Revised Laws, chapter 154, section 14, the returns of the following Changes of Names have been received in the office of the Secretary of the Commonwealth, as decreed by the several Probate Courts of the Commonwealth in their respective counties:—

BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1906.			
March 13,	Manuel Da Cunha, . . .	Emanuel De Wager, . . .	Provincetown.
June 12,	Lydia Olsson,* . . .	Mildred Marion Mattson, . . .	Falmouth.
July 10,	Raymond Ellis,* . . .	Raymond Smith, . . .	Barnstable.
Nov. 13,	Helen G. Crane,* . . .	Helen Crane Rogers, . . .	Provincetown.
13,	Irene La Mousse,* . . .	Thelma Irene Chamberlain, . . .	Falmouth.

BERKSHIRE COUNTY.

Jan. 8,	Madeline Murray,* . . .	Madeline Murray Salter, . . .	Pittsfield.
Feb. 6,	Morris Marvinsky, . . .	Morris Marvin, . . .	Pittsfield.
March 23,	James E. Bastion, . . .	James E. Bastianella, . . .	Pittsfield.
July 18,	Charles Stewart,* . . .	Charles Stewart Crockett, . . .	Lenox.
Sept. 4,	Robert Roberts,* . . .	Robert Joseph Mann, . . .	Adams.
11,	Franklin O'Brien,* . . .	Franklin Ramsey, . . .	Sheffield.
Nov. 7,	Ellen Gladys Bliss,* . . .	Ellen Gladys Wilson, . . .	Adams.
7,	Dorothy Marion,* . . .	Ethel Dorothy Marion Ostrander, . . .	Pittsfield.

BRISTOL COUNTY.

Feb. 5,	John Johnson, . . .	John Johnson Freeman, . . .	Fall River.
16,	Marie Alma Gauthier,* . . .	Marie Alma Moreau, . . .	Fall River.
March 2,	Cecil Jones Eaton,* . . .	William Stanley Rivinius, . . .	Lawrence.
9,	Helen Nesbit,* . . .	Helen Leona Clarke, . . .	Taunton.
16,	Hazel May Marshall,* . . .	Hazel M. M. Wright, . . .	New Bedford.
April 6,	Emma Cottell,* . . .	Emma Burgess, . . .	New Bedford.
6,	William Henry Cottell,* . . .	William Henry Burgess, . . .	New Bedford.
6,	William Francis Parker,* . . .	William Francis Roberts, . . .	Mattapoisett.
13,	Ruth Lawrence Cole,* . . .	Ruth Helen Oakes, . . .	Pembroke.
20,	Marguerite Biggio,* . . .	Ruby Mae Clark, . . .	Attleborough.
20,	Lumina Servant,* . . .	Lumina Chouinard, . . .	Fall River.
May 4,	Mary A. Nichols, . . .	Mary A. Bennett, . . .	New Bedford.
11,	Raymond H. Bird,* . . .	Raymond H. Wimpenny, . . .	Fall River.
18,	Eliza Agnes Jenkinson,* . . .	Eliza Agnes Turner, . . .	Fall River.
18,	John Jenkinson,* . . .	John Howarth, . . .	Fall River.
18,	William H. Jenkinson,* . . .	William H. Howarth, . . .	Fall River.
18,	Marie L'Esperance,* . . .	Marie Larocque, . . .	Taunton.

* Changed by reason of adoption.

BRISTOL COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1906.			
June 8,	Isabella Wazbutzkey,*	Grace Francis Slocum,	New Bedford.
15,	Channing Cottle,*	Edwin Channing,	Dartmouth.
Aug. 3,	Leon Edward Kelley,	Leon Edward Wilkinson,	Attleborough.
Sept. 7,	Alexander Wiley,*	Warren Lewis Norton,	New Bedford.
21,	Pamela Godoric,*	Eva Pamela Demers,	Taunton.
21,	Julius W. Berkowitz,	Julius Berkowitz,	New Bedford.
Oct. 5,	Omer Saindon,*	Omer Masse,	Fall River.
Nov. 2,	Virginia Lane,*	Virginia Dortha Fifer,	New Bedford.
16,	Rock N. Lambert,*	Joseph R. N. Bergeron,	No. Attleborough.
16,	Euda Villa Sharples,*	Annie Wilcock,	New Bedford.
16,	Sophia Lillian Ivey,*	Ellen Beaucaire,	New Bedford.
Dec. 7,	Paul Franklin Kerr,*	Paul Franklin Vaka,	Attleborough.
7,	Viola Vincent Wood,*	Viola Lee Warren,	New Bedford.

ESSEX COUNTY.

Jan. 1,	Laura M. Wentworth,*	Laura Wentworth Mace,	Beverly.
1,	Edna M. Madison,*	Mary Donovan,	Lynn.
1,	Windsor Neale Grout,*	Earl Frederick Flint,	Boston.
1,	John Walter Lawley,*	John Walter Barnes,	Lynn.
8,	Wilfred Ross,*	Wilfred Lamontagne,	Lawrence.
8,	— Staten,*	Frances Dever Fowler,	Salem.
11,	Florence Margurette McArthur,*	Florence Margurette Parkinson,	Salem.
15,	Priscilla Christine Griffin,*	Edna Bernice Jodrey,	Hanover.
15,	Grace Johnson,*	Nellie Ruth Beals,	Lynn.
22,	Hattie E. Allen,*	Hattie Elizabeth Saunders,	Gloucester.
22,	Charles T. Strout,*	Charles Strout Watson,	Salem.
Feb. 5,	Paul Everett Hines,*	Paul Everett Davis,	Gloucester.
5,	Winifred Lee,*	Alice Charlotte Casperson,	Boston.
19,	Sarah Burke,*	Rosie Camarato,	Haverhill.
19,	Flora Williams,*	Flora Barnes,	Wenham.
19,	John Williams,*	John Barnes,	Wenham.
26,	Florence Gene Sweet,*	Marion Gertrude Webber,	Boston.
March 5,	Helen Catherine Donnelly,*	Helen Catherine MacDonald,	Lynn.
5,	Edna Lillian Donnelly,*	Edna Lillian MacDonald,	Lynn.
5,	Clifton John Perkins,*	William John Alexander MacDonald,	Saugus.
12,	William Francis Chicken,	William Francis Denison,	Lynn.
19,	Paul Rutherford Courtland,*	Wesley Hudson Towle,	Hamilton.
26,	Edna Morris,*	Edna Fergusson,	Gloucester.
29,	Max L. Dubitsky,	Max Lester Bixby,	Salem.
April 5,	Louis H. Dubitsky,	Louis Hyman Bixby,	Ipswich.
16,	Beatrice Stanley Hatch,*	Beatrice Josephine Cross,	Lynn.
23,	Grace L. Proverb,*	Luciel Gardner,	Everett.
26,	Emeline Desrocher,*	Emeline Cloutier,	Lawrence.
26,	Lizzie O'Brien,*	Lizzie Barry,	Lawrence.
May 14,	Charles Messenger,*	Charles Russell,	Lynn.
21,	Helen G. Roberts,*	Helen Gertrude Hewes,	Gloucester.
June 4,	Helen May Mooney,*	Helen May Moore,	Salem.
4,	Harold Alexander Mooney,*	Harold Alexander Moore,	Salem.
18,	Gordon Lowe Dampsy,*	Gordon Douglass Taylor,	Lawrence.
July 2,	Barbara Irving,*	Bessie Leona Williams,	Erving.
2,	Mary A. Dunleavy,*	Mary Ann Kellaber,	Peabody.
2,	Harold Randall,*	Harold William Devine,	Boston.
9,	Sarah Calista Bean,	Sarah Calista Chase,	Haverhill.
16,	Helen Dianah Beekman,*	Helen Randall,	Boston.
16,	Loies Couture,*	Laura Josephine Bennett,	Lowell.
16,	Lawrence Farmer,*	Lawrence Elwin Hunting,	Boston.
16,	Mary Elizabeth Foley,*	Mary Elizabeth Foley Benoit,	Boston.
16,	Florence Edith Harding,*	Florence Edith Grasse,	Methuen.
16,	Ethel Looney, otherwise called Ethel Carpenter,*	Ethel Catherine Welch,	Peabody.
Aug. 6,	George Ryan,*	George Edward Carr,	Lynn.

* Changed by reason of adoption.

CHANGE OF NAMES.

1091

ESSEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1906.			
Sept. 4,	Lydia Staples,* . . .	Lydia Staples Bradstreet, . .	Danvers.
10,	Gladys Glynn,* . . .	Gladys Downey, . . .	Cambridge.
17,	May Jennings,* . . .	Estella May Woodbridge, . .	Lynn.
24,	Kathaline Howard,* . .	Kathaline Howard Shorey, . .	Gloucester.
Oct. 1,	Gertrude Frances Murphy,*	Gertrude Frances Russell, . .	Salem.
8,	Ruth Irene Clark,* . .	Ruth Irene Pease, . . .	Lynn.
15,	Mary Emma Flaherty, . .	Mary Emma Warren, . . .	Lynn.
22,	Herman Albin Klanzan,*	Herman Albin MacDonald, . .	Beverly.
22,	Bessie May Nichols, . .	Elizabeth May Nichols, . .	Lynn.
22,	Marjorie Nichols,* . . .	Marjorie Irene Falter, . . .	Gardner.
29,	Helma Gustafson,* . . .	Helma Harrison Butterworth, .	Boston.
Nov. 5,	Gladys McQueen,* . . .	Gladys Beach, . . .	Salem.
8,	Le Roy Glass,* . . .	Le Roy Williams Jackman, . .	Boston.
19,	Elizabeth Sherman,* . .	Elizabeth Cochrane, . . .	Boston.
19,	Willis Julius,* . . .	Henry Wilson Hardy, . . .	Boston.
19,	Delia Lafreniere,* . . .	Margaret Delia Butler, . . .	New Bedford.
19,	Gertrude Bradbury,* . .	Gertrude Agnes Phinney, . .	Andover.
26,	Hazel Irene Nutter,* . .	Gertrude Louise Hill, . . .	Norway, Me.
Dec. 6,	Antoinette D. Hull,* . .	Antoinette Dowe Wheelock, . .	Lynn.
17,	Mason Wiley Kent,* . . .	Mason Wiley Kent Downing, . .	North Andover.
17,	Maggie Martin,* . . .	Maggie Moreau, . . .	Salem.
31,	Frances B. Van Moll,* . .	Leotta Cushman Brackett, . .	Georgetown.

FRANKLIN COUNTY.

Jan. 2,	Hazel Nana Pierce Wrisley,*	Hazel Nana Arms, . . .	Deerfield.
May 15,	Charles Gardner,* . . .	Charles Milton Coates, . . .	Charlemont.
Dec. 18,	Walter March,* . . .	Walter Kenneth Leland, . . .	Ashfield.

HAMPDEN COUNTY.

Jan. 3,	Lillian Brown,* . . .	Lillian May Silver, . . .	Westfield.
3,	Isabell Dowd,* . . .	Isabell Vermette, . . .	Ludlow.
3,	Marie Karoline Peterka,*	Marie Catherine Churchill, . .	West Springfield.
3,	Emily Peterka,* . . .	Emily Magdalene Churchill, . .	West Springfield.
3,	Henry Peterka,* . . .	Henry Edward Churchill, . .	West Springfield.
Feb. 16,	—,* . . .	Beatrice Eveline Braman, . .	Springfield.
21,	George Lorenzo Freeman,*	George Freeman Good, . . .	Westfield.
March 12,	Thelma Putnam Browne,*	Marion Thelma Lester, . . .	Springfield.
21,	William Johnston,* . . .	George Jeffrey Graham, . . .	Springfield.
April 4,	Clayton Arthur Ross,* . .	Clayton Arthur George, . . .	Monson.
4,	William Connors,* . . .	William Henry Burns, . . .	Springfield.
18,	Dorothy Alice Devendorf,*	Dorothy Janser, . . .	Springfield.
27,	—,* . . .	David Franklin Cook, . . .	Springfield.
May 16,	Clarissa Fontaine,* . . .	Clarissa Fontaine Menard, . .	Chicopee.
16,	Ruby Fontaine,* . . .	Ruby Fontaine Menard, . . .	Chicopee.
June 20,	Margaret Donnelly,* . . .	Margaret Reilly, . . .	West Springfield.
20,	Edwin Reddell Yeaw, . . .	Edwin Reddell Allen, . . .	Springfield.
July 5,	William Leroy Woodward,*	William Lawrence Williston, . .	Russell.
5,	Violet Annie Sweeney, . .	Violet Annie Ellison, . . .	Holyoke.
5,	Laura May Cole,* . . .	Laura May Brick, . . .	Russell.
18,	John Selteso, alias John Bo- bek,* . . .	John Kibit, . . .	Westfield.
Sept. 5,	Barbara Dwight,* . . .	Mary Gertrude Bucher, . . .	Springfield.
5,	Madeline Hurlburt,* . .	Thelma Elizabeth Bennett, . .	Springfield.
5,	Anna Main,* . . .	Hazel Pearl Nelson, . . .	Chicopee.
5,	Mary Williams,* . . .	Mary Elizabeth Lemieux, . . .	Springfield.
26,	Dorothy Varney,* . . .	Leona Louise Day, . . .	East Longmeadow.
Oct. 3,	Filomena Bralco,* . . .	Caterina Mandorla, . . .	West Springfield.
3,	Louis John Benoit,* . . .	Louis John Hoone, . . .	Russell.
3,	Florence Carr,* . . .	Dorothy Willard, . . .	Williamsville, Vt.

* Changed by reason of adoption.

HAMPDEN COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1906.			
Oct. 17,	Eva May Harris,*	Elsie Irene Hastings,	Belchertown.
29,	Mary Blanche Lillian Per-		
	reault,*	Mary Blanche Lillian Cowens,	Holyoke.
Nov. 21,	Jay Roy Lynch,	Jay Roy Lewis,	Holyoke.
Dec. 5,	Annie Eleanor Kannisto,* .	Annie Eleanor Rogers,	Springfield.
5,	Lydia Helena Kannisto,* .	Lydia Helena Freitag,	Springfield.

HAMPSHIRE COUNTY.

Jan. 2,	Leon A. Jacobs,*	Leon A. Bartlett,	Westhampton.
2,	Dorothy McGowan,*	Dorothy White,	South Hadley.
Feb. 6,	Mildred Bulley,*	Doris Julia Lucier,	Northampton.
6,	Amerilas Rogers,*	Amy M. Palmer,	Dunston, Me.
March 6,	Fannie P. Callio,*	Frances Wright,	Middlefield.
6,	Harry Richmond Lockhart,* .	Harry Richmond Leonard, .	New York, N. Y.
May 15,	Ruby Estelle Renand,* . . .	Ruby Estelle Laveulette, . .	Ware.
June 19,	Sallie Allen Chodecor,* . . .	Sallie Allen,	Northampton.
July 3,	Fred Huggan,*	Frederick Reed,	Amherst.
3,	Anna Gertrude Nolan,* . . .	Anna Gertrude Lavallee, . .	Ware.
Aug. 7,	Reginald McTaggart,* . . .	Reginald Maurice Pease, . .	Worthington.
Oct. 2,	Theresa M. Hanley,*	Etta Victoria Tatro,	Easthampton.

MIDDLESEX COUNTY.

Jan. 6,	Minerva Evelyn Green,* . . .	Minerva Evelyn Kempton, . .	Sudbury.
9,	Bessie Grant Ludlam,	Elizabeth Grant Ludlam, . .	Lowell.
16,	Alice R. Wood,	Alice Rose Brown,	Malden.
17,	Francis L. Cavanaro,*	Francis L. Malaney,	Somerville.
17,	Alice Billings,*	Hazel Pearl Browne,	Boston.
17,	Frank H. Andrews,*	Frank Andrews McNab, . . .	Malden.
18,	Mary Francis Horgan,* . . .	Marion Donnelly,	Somerville.
23,	John William Babine,	John William Durkee,	Wilmington.
23,	Joseph Amos Babine,	Joseph Amos Durkee,	Wilmington.
23,	Mary Judith Babine,	Mary Judith Durkee,	Wilmington.
23,	Margaret Elizabeth Babine, .	Margaret Elizabeth Durkee, .	Wilmington.
23,	Louise Maria Babine,	Louise Maria Durkee,	Wilmington.
23,	Adrian Arthur Babine,	Adrian Arthur Durkee,	Wilmington.
23,	Susan Isabel Babine,	Susan Isabel Durkee,	Wilmington.
23,	Amos Babine,	Amos Durkee,	Wilmington.
23,	George Walter Babine,	George Walter Durkee,	Wilmington.
23,	Eldon Henry Babine,	Eldon Henry Durkee,	Wilmington.
23,	Leslie Arthur Babine,	Leslie Arthur Durkee,	Wilmington.
23,	Mary Rose Babine,	Mary Rose Durkee,	Wilmington.
23,	Reginald Emery Erb,*	Reginald Emery McAllister, .	Cambridge.
23,	Catherine V. Grady,*	Ruth Delora Ryder,	Haverhill.
26,	Elizabeth Looney,*	Elizabeth Sullivan,	Concord.
Feb. 6,	Jerome Dewey,*	Marshall Jerome Lundahl, . .	Malden.
6,	Mabel L. Patton,	Eliza Mabel Hopkins,	Framingham.
13,	— McConnell,*	Arthur Michael McCarthy, . .	Cambridge.
14,	Hollis Perry Farrar,*	Hollis Perry Halladay, . . .	Cavendish, Vt.
15,	Allan Everett Patterson,* . .	Allan Everett Patterson Strum,	Watertown.
15,	Claud Branch,*	Claud Irving,	Cambridge.
21,	George Edward Foley,	George Edward Pepper, . . .	Cambridge.
27,	Ruth Lewis,*	Esther Ruth Bossie,	Lynn.
27,	Henry A. Coburn,*	Stephen Henry Bradley, . . .	Lynn.
27,	Mabel E. Roughton,*	Elizabeth Roughton Baker, . .	Malden.
27,	Edna Wares (or Ware,)* . . .	Edna Matthews,	Cambridge.
27,	Catherine Agnes Ganley,* . .	Catherine Agnes Reno,	Medford.
27,	Harris M. Rubinovitz,	Harris M. Robbins,	Malden.
27,	Joseph M. Rubinovitz,	Joseph M. Robbins,	Malden.

* Changed by reason of adoption.

CHANGE OF NAMES.

1093

MIDDLESEX COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1906.			
March 5,	Victoria Anderson,*	Victoria Tarsian,	Lowell.
6,	John Hussey,*	John Francis Mahoney,	Cambridge.
13,	Jessie Lamkin,*	Margaret Murray,	Gorham, N. H.
13,	Lillian A. Lloyd,*	Lillian Ada Hesson,	Malden.
14,	Mary E. Gilmore,*	Mary E. Byrne,	Newton.
16,	Cliford Wellwood Snow,*	John Cliford Vivian,	Wakefield.
27,	Marie Helen Germann,*	Marie Helen Richards,	Wilmington.
27,	Gladys Landry,*	Gladys Farrell,	Somerville.
April 2,	Stella L. Bernier,	Stella Lillian Hadley,	Malden.
2,	Perley J. Bernier,	Perley Johnson Hadley,	Malden.
12,	Eleanor Marion Burnham,*	Eleanor Grace Clark,	Cambridge.
17,	Anna Elizabeth Karlen,*	Anna Elizabeth Heal,	Lowell.
18,	James Henley Laidlaw,	James Henley Hallett,	Malden.
24,	Margaret Mary Gleason,*	Margaret Mary Johnson,	New Bedford.
24,	Marion A. Thompson,*	Esther Marion Stalford,	Millbury.
24,	Laura G. Welch,*	Alice Regan,	Lynn.
24,	Cyril Francis,*	William Joseph Watts,	Boston.
May 1,	William Franklin Ryan,	William Franklin Jardine,	Medford.
1,	Walter W. Thomas,*	Walter Thomas Lothian,	Cambridge.
1,	Mona Langill,*	Mona Isabel Smith,	Reading.
7,	Samuel L. Busha,	Samuel L. Bush,	Cambridge.
8,	Marion Frances Corbett,	Marion Frances Cree,	Malden.
8,	Ruth Ashley Corbett,	Ruth Ashley Cree,	Malden.
8,	George Henry Kelsey,*	George Henry Putnam,	Westfield.
8,	Mildred Cook Patton,*	Mildred Patton Clark,	Framingham.
15,	Mary Griffin,*	Florence MacFaden,	Framingham.
15,	Russell Eaton Giles,*	Russell Bancroft Richardson,	Lawrence.
17,	John Charles Jaeger,	John Charles Hunter,	Cambridge.
21,	Alfred Hirschberg,	Alfred Bates,	Cambridge.
22,	Michael Thomas Maher,	Thomas Maher,	Cambridge.
23,	Lucy May Cunningham,*	Lucy May Lovering,	Somerville.
24,	Lillian McManamy,*	Lillian Merchant,	Somerville.
26,	John Jacob Slizack,	John Jacob Slater,	Cambridge.
June 5,	Louis Golinsky,	Louis Gale,	Everett.
5,	Margaret Louise Jacques,*	Alice Louise Garland,	Peabody.
6,	Edwin Nelson,*	Edwin Anderson,	Brooklyn, N. Y.
7,	Francis Uniac,	Francis Doherty,	Everett.
12,	John Tighe,	Jeffrey Cummings,	Malden.
12,	Leslie Vernon Beauregard,*	Andrew Brown Robertson,	Boston.
12,	Marion Ray Barrington,*	Ray Barrington Hancock,	Somerville.
19,	Jennie Brethrick,	Jennie Brethrick Ingham,	Chelmsford.
26,	Leon Frederick Berube,*	Leon Alfred Corbell,	Chicopee.
27,	Louis Frederick Waidknecht,	Louis Frederick White,	Melrose.
27,	Blanche Aurilla Waidknecht,	Blanche Aurilla White,	Melrose.
July 10,	Antonia Tucci,*	Josephine Davis,	Boston.
10,	Julia Johnson,*	Gladys Marion Chandler,	Hyde Park.
10,	Harold George King,*	Harold George McCrory,	Fall River.
19,	Alberta May Foster,*	Alberta May Paine,	Everett.
Sept. 4,	Fannie H. Seidermeyer, alias Sanbisika, alias Sanbisilsa,*	Fannie Flynn,	Westfield.
6,	Eva McGilbney,*	Eva Bonney,	Malden.
7,	Jerome Turner,*	Leonard Wentworth Downes, Jr.,	Boston.
11,	Lester E. Lind,*	Lester E. Fielding,	Malden.
17,	George Francis Murphy,*	George Francis Patten,	Somerville.
20,	Mildred W. Mudge,*	Mildred W. M. Gould,	Somerville.
21,	Elsie R. Courage,*	Arline Smith,	Waltham.
25,	Ruth Norman Moore,*	Pauline Bradley Eames,	Wilmington.
25,	Gladys L. Bjorklund,*	Gladys L. Sinclair,	Medford.
25,	Harold T. Bjorklund,*	Harold T. Sinclair,	Medford.
27,	Victor Herbert Coffin,*	Victor Herbert Gordon,	Winthrop.
27,	Fred Walton Sweetser,	Fred Sweetser Walton,	Melrose.
28,	Elmer M. Creighton,*	Elmer Millige Creighton Bradshaw,	Framingham.
Oct. 2,	Charles Henry Barrett,*	Charles Henry Elwood,	Lowell.
4,	Leslie Redington Sharpe,	Robert Redington Sharpe,	Lowell.
8,	Farnsworth Collins,	Rexford Collins Farnsworth,	Newton.
9,	Ethel M. Shamgoch,*	Martha Killourhy,	Lynn.
9,	Edgar Hunt Keith,*	Edgar Bettinson,	Cambridge.

* Changed by reason of adoption.

MIDDLESEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1906.			
Oct. 16,	Grace M. Estabrook,* . . .	Grace M. Quimby, . . .	Lowell.
23,	Henry Albert Bates,* . . .	Henry Albert Barber, . . .	Natick.
24,	Robert Dickson Weston-Smith,	Robert Dickson Weston, . . .	Cambridge.
Nov. 1,	Edward Thomas Galligan, . .	Edward Thomas Murray, . .	Marlborough.
7,	Elvira May Starbird,* . . .	Elvira Elizabeth Butters, . .	Stoneham.
7,	Dorothy Ilene Quantz,* . . .	Jessie Belle Fielding, . . .	Taunton.
8,	Mary Emma Coughlin, alias		
	Cassidy,* . . .	Helen Dwyer, . . .	Lawrence.
12,	Freda Mae Hutchinson,* . .	Freda Mae Seavey, . . .	Somerville.
12,	Charles W. Nelson, . . .	Carl Viktor Nelson, . . .	Lowell.
13,	Alice Penfield,* . . .	Alice Cedora Glenn, . . .	Sheffield.
20,	Blanche Gertrude Nelson,* . .	Blanche Gertrude Howes, . .	Lowell.
27,	Gertrude Babbitt,* . . .	Gertrude May Ayotte, . . .	Worcester.
27,	Alton Mansfield, alias Alton		
	Chase,* . . .	Alton Kavanagh, . . .	Malden.
30,	William Henry Kelley,* . . .	William Henry Ritchie, . . .	Everett.
Dec. 11,	William A. Shonion,* . . .	Lester Willard Manley, . .	Lowell.
11,	Pauline Dor,* . . .	Pauline Anna St. Germain, .	Lynn.

NANTUCKET COUNTY.

Aug. 16,	Gordon McCleave Barnard, . .	Gordon McCleave Chase, . . .	Nantucket.
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NORFOLK COUNTY.

Jan. 3,	Edith E. White,* . . .	Edith Moore, . . .	Braintree.
17,	Audrey Marriat,* . . .	Audrey Isabel Smith, . . .	Milton.
24,	Charles Franz Frederick		
	Krueger,* . . .	Charles Franz Frederick Groote,	Norwood.
Feb. 24,	Court Robert Krueger, . . .	Court Robert Groote, . . .	Norwood.
14,	Marian M. Laspee,* . . .	Marion Ames, . . .	Quincy.
14,	Florence Elizabeth Linden,* .	Florence Elizabeth Alward, .	Brookline.
21,	Frederick Bradley Talbot, . .	Fritz Bradley Talbot, . . .	Brookline.
21,	Grace M. Nye,* . . .	Grace Farquhar Jones, . . .	Quincy.
March 7,	Ralph Marmaduke Coombs, . .	Ralph Davis Coombs, . . .	Foxborough.
14,	Gissi Angelina,* . . .	Grace Adeline McLean, . . .	Quincy.
21,	William Lawrence Palmer,* . .	William Lawrence Patten, . .	Norwood.
April 18,	Krikor Mardiroson, . . .	Krikor Martin, . . .	Millis.
May 2,	Susan O'Hare,* . . .	Mary Corcoran, . . .	Dedham.
9,	Carlo Rapa,* . . .	Sabino Frank Monica, . . .	Quincy.
June 6,	Margaret McLeod,* . . .	Margaret Thomson McLeod	
		Craig, . . .	Quincy.
27,	Harrison W. Kelley, . . .	Harrison W. Eldridge, . . .	Needham.
27,	Elizabeth P. Goddard,* . . .	Elizabeth Roper, . . .	Needham.
July 11,	John Joseph Ahern, . . .	John Joseph Horne, . . .	Quincy.
11,	Julia C. Ahern, . . .	Julia C. Horne, . . .	Quincy.
11,	Gertrude J. Ahern, . . .	Gertrude J. Horne, . . .	Quincy.
11,	Bertha E. Ahern, . . .	Bertha E. Horne, . . .	Quincy.
11,	Lawrence F. Ahern, . . .	Lawrence F. Horne, . . .	Quincy.
11,	Leonard Ahern, . . .	Leonard Horne, . . .	Quincy.
11,	May Ahern, . . .	May Horne, . . .	Quincy.
Sept. 5,	Ottillie Emilie Franziska Krue-		
	ger,* . . .	Ottillie Emilie Franziska Kniege,	Norwood.
19,	Ruth Keene,* . . .	Ruth Louise Bent, . . .	Norwood.
19,	Sarah Flatley,* . . .	Sabina Bernice Flatley, . . .	Hollbrook.
Nov. 14,	Charles Clarence Tingley,* . .	Charles Clarence Corbett, . .	Medway.
21,	Hattie Jones,* . . .	Hattie Thrower, . . .	Hyde Park.
21,	Maddalena Maffei,* . . .	Madalena Donovan, . . .	Stoughton.
Dec. 12,	Florence May Cronin,* . . .	Marjorie Sidelinger, . . .	Quincy.

* Changed by reason of adoption.

PLYMOUTH COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1906.			
Jan. 22	George W. Kehr,	George W. Curtis,	Brockton.
Feb. 12	Maud Cowan, *,	Maud Huntley,	Middleborough.
March 26	Leah Gladys Punch, *	Norma Louise Sturtevant,	East Bridgewater.
May 28	Susan B. Charlesward, *	Marguerite Lillian Bunker,	Epping, N. H.
28	George Charles Hunt, *	Lloyd Kingdon Pickard,	Brockton.
28	Gertrude Smith, *	Gertrude Williams,	Rockland.
June 25	Adelia Frances Hatch, *	Adelia Frances Copeland,	Whitman.
July 9	Arthur Shinnors, *	Arthur Waldo Hanna,	Bridgewater.
9	Ruth Marion Whyres, *	Ruth Marion Trask,	Abington.
Sept. 24	Hazel L. Smith, *	Hazel May Tucker,	Brockton.
Dec. 10	Gladys Mossgrove, *	Gladys Angeline Bates,	Plymouth.

SUFFOLK COUNTY.

Jan. 11	Isaac Rubinovitz,	Isaac Ruby,	—
18	Benj. Paul Ratkowsky,	Benj. Paul Rogers,	Boston.
18	Joseph Louis Ratkowsky,	Joseph Louis Rogers,	Boston.
18	Joseph Louis Markelevich,	Joseph Louis Markell,	Boston.
18	James Elliot, *	James Elliot Stokes,	Winthrop.
18	Harold Belcher Pethybridge,	Gerald Harlan Jaycox,	Boston.
25	Joseph Henry Smolensky,	Joseph Henry Small,	Boston.
25	Abraham Bilafsky,	Abraham Bilafsky Beal,	Boston.
25	Benjamin Franklin Bilafsky,	Benjamin Franklin Beal,	Boston.
25	Henrietta Bilafsky,	Henrietta Beal,	Boston.
25	Jennie Bilafsky,	Jennie Beal,	Boston.
25	Julius Bilafsky,	Julius Beal,	Boston.
25	Henry L. Corcoran, *	Charles Louis Nelson,	Boston.
25	Ada Florence Smith, *	Florence Hazel Kidder,	Boston.
25	Robert Peterson, alias Boyer, *	Armand Joseph Hudon,	Boston.
25	Joseph Coughlin, *	Joseph Patrick Barret,	Boston.
Feb. 1	Charlotte Bernstein,	Charlotte Berns,	Chelsea.
1	Fannie Kunzinsky,	Fannie King,	Boston.
1	Jacob Kunzinsky,	Jacob King,	Boston.
1	Isaac Kantrowitz,	Isaac Courtland Kantrowitz,	Boston.
12	Marie Romanious Barry, *	Mae Regina Brown,	Lawrence.
15	Louis L. Diamond,	Lester L. Damon,	Boston.
15	Mary Ellen Keegar,	Maple Vary,	Boston.
15	Kevork Garabed Buchakjian,	Kevork Garabed Tourian,	Boston.
23	Bernice Hamblen, *	Bernice Wellington,	Boston.
March 1	Samuel Goldstein,	Samuel Maurice,	Boston.
1	Walter S. Donohoe, alias Beard, *	Walter Stephen Higgins,	Boston.
1	Jeremiah Richards, alias Perry, *	Daniel Lepore,	Boston.
1	Forest Grant Stone,	Robert Durant Berry,	Boston.
1	Annie Balfour, *	Annie Elizabeth Chalou,	—
1	Hildur Sophia Setterberg,	Hildur Sophia Anderson,	—
1	Lulu Starrette Stevens,	Lulu Starrette Torrey,	Boston.
1	Otto E. Setterberg,	Otto Ernest Anderson,	Boston.
1	Lulu Dagley, *	Louise Muller,	Boston.
1	Gladys F. A. Marino, *	Gladys Marion Burke,	Boston.
15	Edna Tracey Gage, *	Edna Frances Hartshorn,	Winthrop.
15	Benjamin Koplovitz,	Benjamin Koplw,	Boston.
15	Adolphus Maynard Borofsky,	Adolphus Maynard Burroughs,	Boston.
15	Benjamin Doctoren, *	Benjamin Levin,	Boston.
22	Gladys B. White, *	Gladys B. Brewer,	Boston.
22	George T. Sullivan,	George T. Brennan,	Boston.
22	Mary A. Sullivan,	Mary A. Brennan,	Boston.
22	Annie Rubinovitz,	Annie Robbins,	Boston.
22	Harry I. Rubinovitz,	Harry I. Robbins,	Boston.
22	Lewis D. Smith, *	Lewis D. Chaffin,	Chelsea.
22	Isaac Earle Lloyd, *	Andrew James Lloyd, Jr.,	Cambridge.
22	William J. McDonald, *	William J. Hayden,	Boston.
22	Robert Tardiff, *	Robert Edward Ivaldi,	Boston.

* Changed by reason of adoption.

SUFFOLK COUNTY — Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1906.			
March 22,	Lexina C. Sutherland,* . . .	Lexina C. Sutherland Jamison,	Boston.
29,	Laurence Cassin,* . . .	Laurence C. Cobb, . . .	Boston.
29,	Carlton Dunham,* . . .	Ingram Dickinson, . . .	Boston.
29,	Helen Pearl Dunn,* . . .	Helen Pearl Scott, . . .	Boston.
29,	Lillian Pearl Fordham,* . . .	Lillian May Hill, . . .	Boston.
29,	Lottie Evelyn Wilson,* . . .	Charlotte Evelyn Hurd, . . .	Boston.
April 5,	Haskell Corosky, . . .	Haskell J. Crosby, . . .	Boston.
5,	Miriam Corosky,* . . .	Miriam Crosby, . . .	Boston.
5,	Henry H. Diamond, . . .	Henry Hyman Damon, . . .	Boston.
5,	William Midgley, . . .	William Edmund Huntley, . . .	Boston.
5,	Francis Dally,* . . .	Francis Leonard Norcross, . . .	Boston.
5,	Dorothy May Potter,* . . .	Dorothy May Potter Hamm, . . .	Worcester.
5,	Edith Veronica Gilligan,* . . .	Edith Veronica Bresnahan, . . .	Boston.
12,	Patrick Joseph O'Brien,* . . .	Basilio Guidara, . . .	Boston.
12,	Horace Henry Finn, . . .	Harry Horace Reed, . . .	Boston.
12,	Theodore William Bassett, . . .	Walter Emerson Grimes, . . .	Boston.
12,	Louis Albert Wheeler,* . . .	Louis Albert Baker, . . .	Boston.
26,	Lauretta McCarthy,* . . .	Ethel Durning, . . .	New Bedford.
26,	George Johnson,* . . .	George Carlton Kealey, . . .	Boston.
May 3,	Moses Haymarket Denker, . . .	Moses Goldfeder, . . .	Boston.
3,	Rebecca Ellis, . . .	Rebecca Midgett, . . .	Boston.
3,	Grace Francis Tobinsky, . . .	Grace Francis Tobey, . . .	Boston.
3,	Maurice Tobinsky, . . .	Maurice Tobey, . . .	Boston.
3,	Frank Elmer Edwards,* . . .	Thomas Frederick Morrison, . . .	Boston.
3,	John Fernoy, . . .	Frank Weston, . . .	Boston.
10,	Ethel Bryant,* . . .	Ethel Middleton, . . .	Boston.
10,	Rufus Elmer Dix, . . .	Rufus Hopkins Dix, . . .	Boston.
10,	Henry Melcher,* . . .	Wilfred Vernon Wightman, . . .	Boston.
24,	Anastatia L. Bigelow, . . .	Louise Thompson, . . .	Boston.
24,	James Gilbey,* . . .	James Kelley, . . .	Boston.
29,	George Leo Finn,* . . .	George Leo Lattime, . . .	Boston.
29,	Mary E. Finn,* . . .	Mary E. Van Tassel, . . .	Boston.
31,	George Joseph Waidknecht,* . . .	George Joseph White, . . .	Chelsea.
31,	Mary Ellen Waidknecht, . . .	Mary Ellen White, . . .	Chelsea.
31,	James Spencer Wood,* . . .	James Spencer Comer, . . .	Boston.
31,	Marion Phyllis Wood,* . . .	Marion Phyllis Comer, . . .	Boston.
June 6,	Mary Murphy,* . . .	Margaret Sullivan, . . .	Boston.
7,	Harry Charles Finkelstein, . . .	Harry Charles Finn, . . .	Boston.
7,	Rene Alexander,* . . .	Rene Nothelfer, . . .	Boston.
14,	Edward N. Zuckerman, . . .	Edward N. Tuckerman, . . .	Boston.
14,	Elmer McLellan,* . . .	Elmer Brown, . . .	Boston.
21,	Annie McRobb Sylvan, . . .	Annie McRobb Ritchie, . . .	Boston.
21,	Edward Raymond Lovesey, . . .	Edward Raymon Aldrich, . . .	Boston.
21,	Flora M. Skibelsky, . . .	Flora M. Bennett, . . .	Boston.
21,	Morris Skibelsky, . . .	Morris Bennett, . . .	Boston.
21,	Elizabeth Newell,* . . .	Elizabeth May Freer, . . .	Boston.
28,	Harry H. Bootovsky, . . .	Harry H. Bohn, . . .	Boston.
28,	Ernest Bradford Howard, . . .	Ernest Bradford Schallenbach, . . .	Chelsea.
28,	Mary Francis Howard, . . .	Mary Francis Schallenbach, . . .	Chelsea.
28,	Katie Bootovsky, . . .	Katie Bohn, . . .	Boston.
28,	Anne Helena Flannery, . . .	Anne Helena Houghton, . . .	Boston.
July 5,	Annie Bent,* . . .	Anna Robbins Lincoln, . . .	Boston.
5,	Henette Fraser,* . . .	Thelma Jenette Barbour, . . .	Boston.
5,	Muriel Paul,* . . .	Muriel Green, . . .	Boston.
5,	Harold Mills,* . . .	Stuart Gates Everett, . . .	Boston.
12,	Aaron Julius Weinstein, . . .	Aaron Julius Winston, . . .	Boston.
12,	Eunice Elizabeth Lowther,* . . .	Eunice Elizabeth Egan, . . .	Boston.
12,	Frances R. Lynch,* . . .	Catherine Rossie Glenson, . . .	Boston.
19,	Celia Tolan,* . . .	Celia Haley, . . .	Boston.
19,	Evelyn Stuart Jackson,* . . .	Evelyn Stuart Williams, . . .	Boston.
26,	Margaret MacNamara Mar-jorie Ray, . . .	Margaret Hawes, . . .	Boston.
Aug. 16,	Eva Grace Clifford,* . . .	Eva Grace Thyng, . . .	Boston.
16,	William O'Brien,* . . .	William McKeever, . . .	Boston.
16,	Dorothy Vaughan,* . . .	Dorris Ada Sinclair, . . .	Boston.
16,	Charles Froomkin, . . .	Charles Morris Franklin, . . .	Boston.
16,	Charles G. Rosenheim,* . . .	Charles Gordon Ross, . . .	Boston.
16,	George Frederick Williams, . . .	George Frederick Johanson, . . .	Boston.
Sept. 6,	Annie Rachkowsky, . . .	Annie Barnard, . . .	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

1097

SUFFOLK COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1906.			
Sept. 6,	Samuel B. Rachkowsky, . . .	Samuel Barnard, . . .	Boston.
6,	Ida Mogolesky, . . .	Ida Mogalson, . . .	Boston.
6,	Morris Mogolesky, . . .	Myer Mogalson, . . .	Boston.
6,	Herman M. Kaminsky, . . .	Herman M. Comins, . . .	Boston.
6,	Sarah Kaminsky, . . .	Sarah Comins, . . .	Boston.
6,	Henry Swartz, . . .	Harris Swartz, . . .	Boston.
6,	Joseph Bilafsky, . . .	Joseph Beal, . . .	Boston.
6,	Mary Margaret Gowdy,* . . .	Margaret Gowdy Pidgin, . . .	Lynn.
6,	William Phillips,* . . .	George N. Batty, . . .	Boston.
6,	Centa Baumüller, . . .	Centa Genevieve Hartung, . . .	Boston.
13,	Joseph Grant, . . .	Joseph S. Gottlieb, . . .	Boston.
13,	Simon Wassercug, . . .	Simon Waters, . . .	Boston.
13,	Frank Leary,* . . .	Frank Snell, . . .	Boston.
13,	Wm. J. McGowan,* . . .	Wm. J. Adams, . . .	Boston.
13,	Francis T. McGowan,* . . .	Francis T. Adams, . . .	Boston.
13,	Charlotte Gertrude Nickless,* . . .	Charlotte Gertrude Burrell, . . .	Boston.
13,	David King Rosenberg,* . . .	David King Goldsmith, . . .	Boston.
20,	James E. Carr, . . .	James E. Harcourt, . . .	Boston.
27,	Maurice I. Himelhoch, . . .	Maurice I. Himel, . . .	Boston.
27,	Gertrude A. Fountain,* . . .	Margaret Gertrude McAllister, . . .	Seekonk.
27,	Gertrude Conlon,* . . .	Gertrude Quill, . . .	Boston.
Oct. 4,	George Davis,* . . .	George Sodekson, . . .	Boston.
4,	Harold Smith Garrepy,* . . .	Harold Smith White, . . .	Boston.
5,	Sarah E. Simon,* . . .	Sarah E. Witskey, . . .	Boston.
11,	John Axel Conrad Nilsson, . . .	John Axel Nelson, . . .	Boston.
11,	Ida Santa De Iuiro,* . . .	Ida Santa Borrelli, . . .	Boston.
11,	Annie L. Smith,* . . .	Annie L. Bond, . . .	Boston.
11,	William H. Smith,* . . .	William H. Bond, . . .	Boston.
11,	Nellie Moore,* . . .	Nellie Farren, . . .	Boston.
18,	Annie Ethel Quigley,* . . .	Annie Ethel Stover, . . .	Boston.
18,	Isaac Corper, . . .	Edward John Corper, . . .	Boston.
18,	Almena Jane Cowles Jones, . . .	Almena Jane Cowles, . . .	Boston.
18,	Franklin Pierce Jones, . . .	Joseph David Cowles, . . .	Boston.
18,	Harold Prescott,* . . .	Sydney Choate Quick, . . .	Boston.
18,	Ruth Marion Graham,* . . .	Ruth Isabel Montgomery, . . .	Boston.
25,	Daniel Isidor Weinstein, . . .	Daniel Isidor Weston, . . .	Boston.
Nov. 1,	Evangeline H. Gallagher,* . . .	Lena V. McMahon, . . .	Boston.
1,	Nathan Samuel Carmier, . . .	Nathan Samuel Sodekson, . . .	Boston.
1,	Frank Stevens,* . . .	Giovano Romano, . . .	Boston.
1,	Boleslaw Zielienski, . . .	William Joseph Greene, . . .	Boston.
1,	Teresa Zielienski, . . .	Teresa Greene, . . .	Boston.
1,	Ruth Louisa May Carlton O'Melia,* . . .	Ruth May Young, . . .	Boston.
1,	Harris Linoholm, . . .	Fritz Linoholm Harris, . . .	Boston.
8,	Ada Leola Griffin, . . .	Marion Ada Leola Phillips, . . .	Boston.
8,	Bessie Blockhowitz, . . .	Bessie Berkowitz, . . .	Boston.
8,	Morris Blockhowitz, . . .	Morris Berkowitz, . . .	Boston.
8,	Jacob Zuslofsky, . . .	James Zuslofsky Naurison, . . .	Boston.
15,	Walter Warren,* . . .	Walter Warren George, . . .	Boston.
15,	Martha Fish,* . . .	Florence Mabel Leslie, . . .	Boston.
22,	Helen Scanlan,* . . .	Mary Kearins, . . .	Boston.
22,	Louis Penzansky, . . .	Louis Penn, . . .	Boston.
22,	Anna L. Boyle, . . .	Anna L. Sawyer, . . .	Boston.
30,	William Joseph Mogan, . . .	Wm. Joseph Mogan DeAngelis, . . .	Boston.
30,	Louis Trotsky, . . .	Louis Trilling, . . .	Boston.
30,	Domicer Marchesi, . . .	Domicer Mannuceia, . . .	Boston.
30,	— Gosseline,* . . .	Flora Louise Leach, . . .	Boston.
Dec. 6,	Jacob Sanderowitch, . . .	Jacob Saunders, . . .	Boston.
6,	Rachel Sanderowitch, . . .	Rachel Saunders, . . .	Boston.
6,	Frank Bartlett Dunbar, . . .	Frank Bently Dunbar, . . .	Winthrop.
13,	Alphonse Cohen, . . .	Alphonse Constant, . . .	Boston.
13,	Ghisela Cohen, . . .	Ghisela Constant, . . .	Boston.
13,	Arthur Nickerson, . . .	Arthur Winston Nickerson, . . .	Boston.
13,	Harry Rabinowich, . . .	Henry H. Robbins, . . .	Boston.
13,	Mary R. Healey,* . . .	Mary Josephine Hahesy, . . .	Brookline.
13,	Philip Gordon Oliver,* . . .	Frank Philip Oclair, . . .	Boston.
13,	Herbert Sibley,* . . .	Maxwell Herbert Wiggins, . . .	Boston.
20,	Ruth Savage,* . . .	Ruth Savage Dodge, . . .	Boston.
27,	John W. Littlefield,* . . .	John W. Collick, . . .	Chelsea.
27,	Horace Bernard Clough,* . . .	Robert Clough Trew, . . .	Boston.

* Changed by reason of adoption.

WORCESTER COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1906.			
Jan. 16,	Nettie D. Stacy,* . . .	Harriet Dorothy Brooks, . . .	Robbinston, Me.
19,	Ethel Annie Caldwell,* . . .	Ethel Annie Cutter, . . .	Fitchburg.
19,	Louise May Caldwell,* . . .	Louise May Cutter, . . .	Fitchburg.
24,	Richard Arthur Giles,* . . .	Richard Arthur Houghton, . . .	Grafton.
31,	Cecile Cheately,* . . .	Anne Cecile Constantine, . . .	Fitchburg.
Feb. 1,	Roy Oscar Henderborg,* . . .	Paul Gustaf Bergstrom, . . .	Worcester.
2,	Ruth Beatrice Gilmore,* . . .	Ruth Beatrice Anderson, . . .	Worcester.
6,	Ethelbert Wadsworth,* . . .	Ethelbert Wadsworth Bradbury, . . .	Pawtucket, R. I.
6,	Merle Gertrude Wadsworth,* . . .	Merle Wadsworth Nuttall, . . .	Northbridge.
20,	Effie Irene Woodbury,* . . .	Effie Irene Aiken, . . .	Templeton.
20,	Tannisse Hinchcliffe,* . . .	Tannisse Collie, . . .	Beloit, Wis.
27,	John Hallanen or Hallenen, . . .	John Helman, . . .	Fitchburg.
March 6,	Godfrey Fuller, . . .	Godfrey Fournier, . . .	Worcester.
23,	Frederick F. Callahan,* . . .	Frederick Callahan Healy, . . .	Worcester.
27,	Francis Alexander Isacson, . . .	Francis Alexander Stockwell, . . .	Royalston.
27,	Phillis May Hovey, . . .	Phillis May Mahoney, . . .	Milford.
30,	Lillian Holmes,* . . .	Lillian Holmes Lynn, . . .	Northbridge.
30,	George Arthur Brown,* . . .	Albert Walter Wiley, . . .	Athol.
April 3,	Henry Cyrus Pinkham, . . .	Henry Cyrus Donovan, . . .	Worcester.
5,	Florence Day,* . . .	Florence Adams, . . .	Millbury.
10,	Raymond Charles Campbell,* . . .	Raymond Charles Johnson, . . .	Leominster.
12,	Irma Wassmannsdorff,* . . .	Irma Elizabeth Howe, . . .	Brookfield.
24,	George Aram Yazijian,* . . .	George Aram Writer, . . .	Worcester.
24,	Henry Haik Yazijian, . . .	Henry Haik Writer, . . .	Worcester.
24,	Richard Dickran Yazijian, . . .	Richard Dickran Writer, . . .	Worcester.
May 1,	Augusta Fairey Spiller,* . . .	Augusta Fairey Solley, . . .	Winchendon.
2,	Vere Ola Ackley,* . . .	Vera Ola Stevenson, . . .	Worcester.
8,	Charles Nelson Maynes, . . .	Charles Nelson White, . . .	Worcester.
10,	Edward Benjamin Yazijian, . . .	Edward Benjamin Writer, . . .	Worcester.
June 12,	Annie Elizabeth Driscoll, . . .	Elizabeth Anna Lee, . . .	Fitchburg.
19,	Wolf Potashinski, . . .	Solomon Wolf, . . .	Worcester.
19,	Horace Milton Chickering, . . .	Horace Gordon Chickering, . . .	Lancaster.
19,	Bernard Gordon Shields,* . . .	Bernard William Jenkins, . . .	Paxton.
July 2,	Harold Edward Dumont,* . . .	Harold Allen Ross, . . .	Worcester.
24,	Agnes Fanion, . . .	Agnes Fanion Gaudory, . . .	Leominster.
Sept. 4,	David O. Green, . . .	Walter B. Potter, . . .	Southbridge.
4,	Julia Agnes (Fanion) Richard,* . . .	Julia Agnes Gaudory, . . .	Leominster.
18,	Irving Leroy Perrier,* . . .	Irving Perrier Tatso, . . .	West Boylston.
21,	George Lansing Newton,* . . .	George Newton Buck, . . .	West Boylston.
25,	Kittie Ida Fish, . . .	Katharine Ida Fish, . . .	Worcester.
28,	Alta Irene Foster,* . . .	Alta Irene Carswell, . . .	Fitchburg.
Oct. 1,	Eunice F. Sprague,* . . .	Melissa Frances Clifton, . . .	Milford.
4,	Alice Mabel Cheever,* . . .	Alice Mabel Wheelock, . . .	Spencer.
9,	Grace Alexander Bolster, . . .	Grace Alexander, . . .	Worcester.
22,	Elvira Linnea Svenson,* . . .	Elvira Anna Linnea Erickson, . . .	Worcester.
23,	Oliver Kendrick, . . .	James Oliver Kendrick, . . .	Athol.
23,	Charlie Burton Richardson, . . .	Charles Burton Richardson Burnham, . . .	Athol.
25,	Eben Ray Murray,* . . .	Eben Ray Whitney, . . .	Westborough.
30,	Rose Isabelle Martin,* . . .	Rose Isabelle Burpee, . . .	West Boylston.
Nov. 5,	Helen Nelson,* . . .	Leubelle Alton, . . .	Worcester.
13,	Levi Clifford Peake,* . . .	William Clifford Farnam, . . .	Winchendon.
13,	Harry Lewis,* . . .	Harold Emerson Weeks, . . .	Hopedale.
20,	Catherine Ellen Kelly, . . .	Catharine Ellen Gordon, . . .	Worcester.
20,	Francis Samuel Kelly, . . .	Francis Samuel Gordon, . . .	Worcester.
20,	Margaret G. Philpott,* . . .	Margaret Gertrude Stockwell, . . .	Athol.
27,	Olive Marie Brooks,* . . .	Olive Mary Elizabeth Bowman, . . .	Worcester.
Dec. 31,	Blanche Madeline MacNutt,* . . .	Blanche Madeline Ball, . . .	Athol.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF
The Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH
FOR THE POLITICAL YEAR

1907.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

CURTIS GUILD, JR.,

GOVERNOR.

CHARLES S. GROVES *Private Secretary.*

EDWARD F. HAMLIN *Executive Secretary.*

HIS HONOR

EBEN S. DRAPER,

LIEUTENANT GOVERNOR.

COUNCIL — (By Districts).

- | | |
|-------------------------------------|----------------|
| I.—DAVID GURNEY PRATT | Middleborough. |
| II.—ALBION F. BEMIS | Brookline. |
| III.—EDWARD P. BARRY | Boston. |
| IV.—ALFRED E. COX | Malden. |
| V.—LEWIS H. BARTLETT | Lynn. |
| VI.—SEWARD W. JONES | Newton. |
| VII.—CALVIN D. PAIGE | Southbridge. |
| VIII.—FRANKLIN W. RUSSELL | Pittsfield. |

WILLIAM M. OLIN,

SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.*

HERBERT H. BOYNTON, *2d Deputy.*

ARTHUR B. CHAPIN,

TREASURER AND RECEIVER GENERAL.

HENRY S. BRIDGE, *1st Clerk.*

A. B. C. DEMING, *2d Clerk.*

WENDELL P. MARDEN, *Cashier.*

HENRY E. TURNER,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.*

JAMES POPE, *2d Clerk.*

DANA MALONE,

ATTORNEY-GENERAL.

WALTER PERLEY HALL,

FRED T. FIELD,

FREDERIC B. GREENHALGE,

JAMES F. CURTIS,

ASSISTANT ATTORNEYS-GENERAL.

ANDREW MARSHALL, *Law Clerk.*

LOUIS H. FREESE, *Chief Clerk.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1906.

SENATE.

President — WILLIAM D. CHAPPLE.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Alfred S. Hall, . . .	Revere.
Second “ . . .	James J. Mellen, . . .	Boston.
Third “ . . .	Edward W. Dixon, . . .	Boston.
Fourth “ . . .	Thomas F. Curley, . . .	Boston.
Fifth “ . . .	Guy W. Cox, . . .	Boston.
Sixth “ . . .	Frank J. Linehan, . . .	Boston.
Seventh “ . . .	William W. Clarke, . . .	Boston.
Eighth “ . . .	Thomas Leavitt, . . .	Boston.
Ninth “ . . .	Edward J. Bromberg, . . .	Boston.
First Essex, . . .	William R. Salter, . . .	Lynn.
Second “ . . .	William D. Chapple, . . .	Salem.
Third “ . . .	James F. Shaw, . . .	Manchester.
Fourth “ . . .	Harry P. Morse, . . .	Haverhill.
Fifth “ . . .	Joseph Donovan, . . .	Lawrence.
First Middlesex, . . .	James H. Vahey, . . .	Watertown.
Second “ . . .	Frederick J. Macleod, . . .	Cambridge.
Third “ . . .	Elmer A. Stevens, . . .	Somerville.
Fourth “ . . .	Charles L. Dean, . . .	Malden.

District.	Name of Senator.	Residence.
Fifth Middlesex, . . .	John J. Mitchell, . . .	Marlborough.
Sixth " . . .	Herbert S. Riley, . . .	Woburn.
Seventh " . . .	James Wilson Grimes, . . .	Reading.
Eighth " . . .	John J. McManmon, . . .	Lowell.
First Worcester, . . .	Arthur M. Taft, . . .	Worcester.
Second " . . .	Allan G. Buttrick, . . .	Lancaster.
Third " . . .	John Lovell Johnson, . . .	Fitchburg.
Fourth " . . .	Winfield S. Schuster, . . .	Douglas.
Worcester and Hampden, . . .	Charles N. Prouty, . . .	Spencer.
First Hampden, . . .	William P. Hayes, . . .	Springfield.
Second " . . .	Daniel D. Mahoney, . . .	Chicopee.
Franklin and Hampshire, . . .	George J. Gallond, . . .	Amherst.
Berkshire, . . .	Thomas F. Cassidy, . . .	Adams.
Berkshire, Hampshire and Hampden.	William H. Feiker, . . .	Northampton.
First Norfolk, . . .	Charles F. Jenney, . . .	Hyde Park.
Second " . . .	William O. Faxon, . . .	Stoughton.
First Plymouth, . . .	Frank G. Wheatley, . . .	Abington.
Second " . . .	George H. Garfield, . . .	Brockton.
First Bristol, . . .	Thomas W. Williams, . . .	Attleborough.
Second " . . .	Frank M. Chace, . . .	Fall River.
Third " . . .	William J. Bullock, . . .	New Bedford.
Cape, . . .	Eben S. S. Keith, . . .	Bourne.

HENRY D. COOLIDGE, *Clerk.*

EDWARD A. HORTON, *Chaplain.*

DAVID T. REMINGTON, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker — JOHN N. COLE.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1, . . . {	Lewis B. McKie, . . . Joseph J. Murley, . . .	Boston. Boston.
2d,	Boston, Ward 2, . . . {	Michael H. Fitzgerald, . . John F. Sullivan, . . .	Boston. Boston.
3d,	Boston, Ward 3, . . . {	Michael J. Eagan, . . . Daniel J. McDonald, . . .	Boston. Boston.
4th,	Boston, Wards 4 and 5, {	Timothy J. Buckley, . . . William F. Murray, Jr., Richard S. Teeling, . . .	Boston. Boston. Boston.
5th,	Chelsea, Wards 1 and 2,	Thomas F. Driscoll, . . .	Chelsea.
6th,	Boston, Ward 6, . . . {	Thomas J. Grady, . . . Philip J. McGonagle, . . .	Boston. Boston.
7th,	Boston, Ward 7, . . .	John Quinn, Jr., . . .	Boston.
8th,	Boston, Ward 8, . . . {	Martin M. Lomasney, . . . Robert K. McKirdy, . . .	Boston. Boston.
9th,	Boston, Ward 9, . . . {	Timothy F. Callahan, . . . Daniel L. Sullivan, . . .	Boston. Boston.
10th,	Boston, Ward 10, . . . {	J. Bernard Ferber, . . . Malcolm E. Nichols, . . .	Boston. Boston.

COUNTY OF SUFFOLK — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11,	March G. Bennett, . Grafton D. Cushing, .	Boston. Boston.
12th,	Boston, Ward 12,	William E. Chester, . Charles W. Paradise, .	Boston. Boston.
13th,	Boston, Ward 13,	William L. Newton, . James F. Powers, .	Boston. Boston.
14th,	Boston, Ward 14,	John J. Driscoll, . William P. Higgins, .	Boston. Boston.
15th,	Boston, Ward 15,	Patrick H. O'Connor, . John H. Toland, .	Boston. Boston.
16th,	Boston, Ward 16,	William J. Lyons, . John M. McDonald, .	Boston. Boston.
17th,	Boston, Ward 17,	James J. Conboy, . Michael J. McEttrick, .	Boston. Boston.
18th,	Boston, Ward 18,	Daniel J. Curley, Jr., . Thomas J. Fay, .	Boston. Boston.
19th,	Boston, Ward 19,	Florence J. Driscoll, . Daniel J. McCarthy, .	Boston. Boston.
20th,	Boston, Ward 20,	Harry H. Ham, . William Hoag, . Charles Addison Malley, .	Boston. Boston. Boston.
21st,	Boston, Ward 21,	Fred E. Bolton, . Edwin T. McKnight, .	Boston. Boston.
22d,	Boston, Ward 22,	Jacob H. Mock, . Walter A. Webster, .	Boston. Boston.
23d,	Boston, Ward 23,	John J. Conway, . A. S. Parker Weeks, .	Boston. Boston.
24th,	Boston, Ward 24,	Gideon B. Abbott, . Henry S. Clark, . Samuel H. Mildram, .	Boston. Boston. Boston.
25th,	Boston, Ward 25,	Michael J. Coyle, . Charles D. B. Fisk, .	Boston. Boston.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
26th,	Chelsea, Wards 3, 4, .	William M. Robinson, .	Chelsea.
27th,	{ Chelsea, Ward 5, . } { Revere, . . . } { Winthrop, . . . }	Deloss M. Bristol, . Ernest H. Pierce, .	Winthrop. Revere.

COUNTY OF ESSEX.

1st,	{ Amesbury, . . . } { Merrimac, . . . }	Samuel L. Porter, .	Amesbury.
2d,	Haverhill, W'ds 1, 2, 3,	William H. Trudel, .	Haverhill.
3d,	Haverhill, Wards 4, 6,	Leslie K. Morse, .	Haverhill.
4th,	Haverhill, Ward 5, .	Arthur L. Nason, .	Haverhill.
5th,	{ Lawrence, Wards 1, 2, } { Methuen, . . . }	George Bunting, . Emil J. Muehlig, .	Methuen. Lawrence.
6th,	Lawrence, Wards 3, 4,	William A. Kelleher, .	Lawrence.
7th,	Lawrence, Ward 5, .	George S. J. Hyde, .	Lawrence.
8th,	Lawrence, Ward 6, .	William J. Graham, .	Lawrence.
9th,	Andover, . . .	John N. Cole, .	Andover.
10th,	{ Boxford, . . . } { Groveland, . . . } { Haverhill, Ward 7, . } { North Andover, . . }	John F. Cook, .	Haverhill.
11th,	Peabody, . . .	James B. Carbreys, .	Peabody.
12th,	{ Lynn, Ward 3, . . } { Swampscott, . . . }	William E. Dorman, . George H. Newhall, .	Lynn. Lynn.
13th,	{ Lynn, Wards 1, 5, 7, . } { Lynnfield, . . . }	Arthur W. Barker, . John H. McKenney, .	Lynn. Lynn.
14th,	{ Lynn, Wards 2, 4, . } { Nahant, . . . }	Charles Cabot Johnson, . Matthew McCann, .	Nahant. Lynn.
15th,	{ Lynn, Ward 6, . . } { Saugus, . . . }	Herbert M. Forristall, . Philip A. Kiely, .	Saugus. Lynn.

COUNTY OF ESSEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
16th,	Marblehead, . . .	Frank W. Goodwin, . . .	Marblehead.
17th,	Salem, Wards 1, 2, . .	Thomas L. Davis, . . .	Salem.
18th,	Salem, Wards 3, 5, . .	Robert E. Pollock, . . .	Salem.
19th,	Salem, Wards 4, 6, . .	G. Arthur Bodwell, . . .	Salem.
20th,	{ Beverly, }	Melvin B. Putnam, . . .	Danvers.
	{ Danvers, }	Albert Vittum, . . .	Beverly.
21st,	{ Gloucester, Wards 4, 5, }	Clifford B. Terry, . . .	Gloucester.
	{ 8, }		
	{ Manchester, }		
22d,	{ Gloucester, Wards 3, 6, }	John A. Stoddart, . . .	Gloucester.
	{ 7, }		
23d,	{ Gloucester, Wards 1, 2, }	Ralph T. Parker, . . .	Rockport.
	{ Rockport, }		
24th,	{ Essex, }	Oscar H. Ewing, . . .	Ipswich.
	{ Hamilton, }		
	{ Ipswich, }		
	{ Middleton, }		
	{ Rowley, }		
	{ Topsfield, }		
	{ Wenham, }		
25th,	{ Newburyport, Wards 1, }	Clarence J. Fogg, . . .	Newburyport.
	{ 2, 3, 4, }		
26th,	{ Georgetown, }	Samuel F. Coffin, . . .	W. Newbury.
	{ Newbury, }		
	{ Newburyport, Wards 5, }		
	{ 6, }		
	{ Salisbury, }		
	{ West Newbury, }		

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards 1, }	Manuel Andrew, . . .	Cambridge.
	{ 2, 3, }	William M. Hogan, . . .	Cambridge.
2d,	{ Cambridge, Wards 4, }	Fred L. Beunke, . . .	Cambridge.
	{ 5, 6, 7, }	George A. Giles, . . .	Cambridge.
		Julius Meyers, . . .	Cambridge.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Cambridge, Wards 8, 9, 10, 11, . . . }	{ Samuel D. Elmore, . George W. Long, . Harry N. Stearns, . }	{ Cambridge. Cambridge. Cambridge. }
4th,	{ Newton, . . . }	{ Elias B. Bishop, . William F. Garcelon, . John F. Lothrop, . }	{ Newton. Newton. Newton. }
5th,	{ Waltham, . . . }	{ Patrick J. Duane, . John H. Marcy, . }	{ Waltham. Waltham. }
6th,	{ Natick, . . . }	{ Martin T. Hall, . . }	{ Natick. }
7th,	{ Framingham, . . }	{ Harry N. Winch, . . }	{ Framingham. }
8th,	{ Ashland, . . . Holliston, . . . Hopkinton, . . . Sherborn, . . . }	{ Wilbur A. Wood, . . }	{ Hopkinton. }
9th,	{ Marlborough, . . }	{ William M. Brigham, . }	{ Marlborough. }
10th,	{ Boxborough, . . . Hudson, Maynard, Stow, }	{ Fred F. Trull, . . . }	{ Hudson. }
11th,	{ Acton, Ayer, Carlisle, Chelmsford, . . . Littleton, Westford, }	{ Edwin C. Perham, . . }	{ Chelmsford. }
12th,	{ Ashby, Dunstable, Groton, Pepperell, Shirley, Townsend, Tyngsborough, . . }	{ Waldo Spaulding, . . }	{ Pepperell. }
13th,	{ Bedford, Concord, Lincoln, Sudbury, Wayland, Weston, }	{ Albion F. Parmenter, . }	{ Wayland. }

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	{ Dracut, . . . Lowell, Ward 1, . . }	Charles J. Wier, . .	Lowell.
15th,	Lowell, Ward 2, . .	John F. Meehan, . .	Lowell.
16th,	Lowell, Wards 4, 5, .	Martin F. Conley, . .	Lowell.
17th,	Lowell, Wards 3, 6, 7, {	William H. I. Hayes,* . Charles F. Varnum, . .	Lowell. Lowell.
18th,	Lowell, Ward 8, . .	Albert F. Grant, . .	Lowell.
19th,	{ Billerica, . . . Lowell, Ward 9, . . Tewksbury, . . . }	William E. Westall, . .	Lowell.
20th,	{ Burlington, . . . North Reading, . . . Reading, . . . Wilmington, . . . Woburn, . . . }	John B. Lewis, Jr., . . Andrew Roscoe Linscott, . .	Reading. Woburn.
21st,	Wakefield, . . .	Charles A. Dean, . .	Wakefield.
22d,	Melrose, . . .	Andrew J. Burnett, . .	Melrose.
23d,	Malden, . . . {	Frank A. Bayrd, . . Charles L. Davenport, . . Charles E. Dennett, . .	Malden. Malden. Malden.
24th,	Everett, . . . {	James Chambers, . . William E. Weeks, . .	Everett. Everett.
25th,	{ Somerville, Wards 1, { 3, 4, 5, . . . }	John J. Higgins, . . Sidney B. Keene, . . Robert Luce, . .	Somerville. Somerville. Somerville.
26th,	{ Somerville, Wards 2, { 6, 7, . . . }	Charles V. Blanchard, . . William H. Smith, . . William L. Waugh, . .	Somerville. Somerville. Somerville.
27th,	{ Medford, Wards 3, 6, . Winchester, . . . }	Barker B. Howard, . .	Medford.
28th,	{ Medford, Wards 1, 2, { 4, 5, 7, . . . }	Charles H. Brown, . .	Medford.

* Died June 30.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
29th,	{ Arlington, . . . } { Lexington, . . . }	Horace Dexter Hardy, .	Arlington.
30th,	{ Belmont, . . . } { Watertown, . . . }	Joseph O. Wellington, .	Belmont.
31st,	Stoneham, . . .	James A. Jones, . . .	Stoneham.

COUNTY OF WORCESTER.

1st,	{ Athol, . . . } { Dana, . . . } { Petersham, . . . } { Phillipston, . . . } { Royalston, . . . }	James Oliver, . . .	Athol.
2d,	{ Ashburnham, . . . } { Gardner, . . . } { Templeton, . . . } { Winchendon, . . . }	Atherton D. Converse, . William F. Learned, .	Winchendon. Gardner.
3d,	{ Barre, . . . } { Holden, . . . } { Hubbardston, . . . } { Oakham, . . . } { Princeton, . . . } { Rutland, . . . } { Sterling, . . . } { Westminster, . . . }	Alvin F. Bailey, . . .	Barre.
4th,	{ Brookfield, . . . } { Hardwick, . . . } { New Braintree, . . . } { North Brookfield, . . . } { Warren, . . . } { West Brookfield, . . . }	Charles B. Blair, . . .	Warren.
5th,	{ Charlton, . . . } { Southbridge, . . . } { Sturbridge, . . . }	Alexis Boyer, Jr., . . .	Southbridge.

HOUSE OF REPRESENTATIVES.

1111

COUNTY OF WORCESTER—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Auburn, } { Leicester, } { Paxton, } { Spencer, }	Frank Collette, Jr., .	Spencer.
7th,	{ Dudley, } { Oxford, } { Webster, }	William F. Haggerty, .	Webster.
8th,	{ Blackstone, } { Douglas, } { Grafton, } { Millbury, } { Shrewsbury, } { Sutton, } { Uxbridge, }	Hiram W. Loring, . . Henry F. Rice, . .	Shrewsbury. Sutton.
9th,	{ Hopedale, } { Mendon, } { Milford, } { Northbridge, } { Upton, }	George F. Birch, . . Leonard T. Gaskill, .	Milford. Mendon.
10th,	{ Berlin, } { Bolton, } { Boylston, } { Clinton, } { Northborough, } { Southborough, } { West Boylston, } { Westborough, }	Charles Mayberry, . . William James Potter, .	Clinton. Northborough.
11th,	{ Fitchburg, Ward 6, . . } { Harvard, } { Lancaster, } { Leominster, } { Lunenburg, }	Clesson Kenney, . . . David Curtis Nickerson,	Leominster. Leominster.
12th,	{ Fitchburg, Wards 1, 2, } { 3, 4, 5, }	M. Frederick O'Connell, Henry O. Sawyer, . .	Fitchburg. Fitchburg.
13th,	Worcester, Ward 1, .	Daniel E. Denny, . .	Worcester.
14th,	Worcester, Ward 2, .	Alonzo F. Hoyle, . .	Worcester.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Worcester, Ward 3, .	Edward H. O'Brien, .	Worcester.
16th,	Worcester, Ward 4, .	John F. McGrath, .	Worcester.
17th,	Worcester, Ward 5, .	Hugh H. O'Rourke, .	Worcester.
18th,	Worcester, Ward 6, .	Francis O. Dahlquist,* .	Worcester.
19th,	Worcester, Ward 7, .	Lucian B. Stone, .	Worcester.
20th,	Worcester, Ward 8, .	John H. Pickford, .	Worcester.
21st,	Worcester, Ward 9, .	Henry E. Dean, .	Worcester.
22d,	Worcester, Ward 10, .	Elmer C. Potter, .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	Northampton, . .	Calvin Coolidge, . .	Northampton.
2d,	{ Chesterfield, . . } { Cummington, . . } { Easthampton, . . } { Goshen, . . } { Huntington, . . } { Middlefield, . . } { Plainfield, . . } { Southampton, . . } { Westhampton, . . } { Williamsburg, . . } { Worthington, . . }	Darwin E. Lyman,† .	Cummington.
3d,	{ Amherst, . . } { Hadley, . . } { Hatfield, . . } { South Hadley, . . }	Alvin L. Wright, . .	South Hadley.
4th,	{ Belchertown, . . } { Enfield, . . } { Granby, . . } { Greenwich, . . } { Pelham, . . } { Prescott, . . } { Ware, . . }	John H. Schoonmaker, .	Ware.

* Died May 9.

† Died June 20.

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	<div> <div> Brimfield, . . . Holland, . . . Monson, . . . Palmer, . . . Wales, . . . </div> </div>	Ernest E. Hobson, . . .	Palmer.
2d,	<div> <div> Agawam, . . . Blandford, . . . Chester, . . . East Longmeadow, . . . Granville, . . . Hampden, . . . Longmeadow, . . . Ludlow, . . . Montgomery, . . . Russell, . . . Southwick, . . . Tolland, . . . West Springfield, . . . Wilbraham, . . . </div> </div>	<div> William F. Cook, . . . George D. Green, . . . </div>	<div> W. Springfield. Ludlow. </div>
3d,	Springfield, Ward 1, .	Edwin F. Leonard, . . .	Springfield.
4th,	Springfield, Wards 2, 3,	John C. Bennett, . . .	Springfield.
5th,	<div> <div>Springfield, Wards 4, } 5, 6,</div> </div>	<div> Frank D. Kemp, . . . Daniel H. Morgan, . . . </div>	<div> Springfield. Springfield. </div>
6th,	Springfield, Ward 7, .	Charles T. Holt, . . .	Springfield.
7th,	Springfield, Ward 8, .	Frank. G. Hodskins, . . .	Springfield.
8th,	Chicopee,	Ernest Dalton,	Chicopee.
9th,	Holyoke, Wards 1, 2, 4,	Andrew F. Healy,	Holyoke.
10th,	Holyoke, Wards 3, 6, .	Adam Leining,	Holyoke.
11th,	Holyoke, Wards 5, 7, .	Thomas J. Dillon,	Holyoke.
12th,	Westfield,	James H. Bryan,	Westfield.

COUNTY OF FRANKLIN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Ashfield, . . . } { Buckland, . . . } { Charlemont, . . . } { Colrain, . . . } { Conway, . . . } { Hawley, . . . } { Heath, . . . } { Monroe, . . . } { Rowe, . . . } { Shelburne, . . . } { Whately, . . . }	Charles F. Elmer, . .	Conway.
2d,	Greenfield, . . .	Lyman W. Griswold, .	Greenfield.
3d,	{ Bernardston, . . . } { Deerfield, . . . } { Gill, . . . } { Leverett, . . . } { Leyden, . . . } { Montague, . . . } { Sunderland, . . . }	James A. Gunn, . .	Montague.
4th,	{ Erving, . . . } { New Salem, . . . } { Northfield, . . . } { Orange, . . . } { Shutesbury, . . . } { Warwick, . . . } { Wendell, . . . }	Dennis E. Farley, . .	Erving.

COUNTY OF BERKSHIRE.

1st,	{ Clarksburg, . . . } { Florida, . . . } { North Adams, Wards 3, } { 4, 5, . . . } { Savoy, . . . }	Hugh P. Drysdale, . .	North Adams.
2d,	{ North Adams, Wards 1, } { 2, 6, 7, . . . }	S. John Lamoureux, .	North Adams.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Adams, . . . } { Cheshire, . . . } { Hinsdale, . . . } { New Ashford, . . . } { Peru, . . . } { Windsor, . . . }	Arthur H. Streeter, .	Adams.
4th,	{ Dalton, . . . } { Hancock, . . . } { Lanesborough, . . . } { Pittsfield, Ward 1, . . . } { Williamstown, . . . }	John F. Prindle, . .	Williamstown.
5th,	{ Pittsfield, Wards 2, 6, } { 7, . . . }	William Turtle, . .	Pittsfield.
6th,	{ Pittsfield, Wards 3, 4, } { 5, . . . }	Hezekiah S. Russell, .	Pittsfield.
7th,	{ Becket, . . . } { Lee, . . . } { Lenox, . . . } { Monterey, . . . } { New Marlborough, . . . } { Otis, . . . } { Richmond, . . . } { Sandisfield, . . . } { Tyringham, . . . } { Washington, . . . }	Charles H. Shaylor, .	Lee.
8th,	{ Alford, . . . } { Egremont, . . . } { Great Barrington, . . . } { Mount Washington, . . . } { Sheffield, . . . } { Stockbridge, . . . } { West Stockbridge, . . . }	George H. Blodgett, .	Sheffield.

COUNTY OF NORFOLK.

1st,	{ Dedham, . . . } { Needham, . . . }	Joseph H. Soliday, .	Dedham.
2d,	Brookline, . . . {	Joseph Walker, . . Norman H. White, .	Brookline. Brookline.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	Hyde Park, . . .	Frederick G. Katzmann, .	Hyde Park.
4th,	{ Canton, . . . Milton, . . . }	Edward B. Draper, .	Canton.
5th,	Quincy, Wards 1, 2, 3,	Eugene C. Hultman, .	Quincy.
6th,	Quincy, Wards 4, 5, 6,	Edward J. Sandberg, .	Quincy.
7th,	Weymouth, . . .	Russell B. Worster, .	Weymouth.
8th,	{ Avon, . . . Braintree, . . . Holbrook, . . . }	Louis E. Flye, . . .	Holbrook.
9th,	{ Randolph, . . . Sharon, . . . Stoughton, . . . }	Edward J. Fuller, . .	Sharon.
10th,	{ Norwood, . . . Walpole, . . . Westwood, . . . }	Fredrick L. Fisher, .	Norwood.
11th,	{ Dover, . . . Medfield, . . . Medway, . . . Millis, . . . Norfolk, . . . Wellesley, . . . }	Fred O. Johnson, . . .	Wellesley.
12th,	{ Bellingham, . . . Foxborough, . . . Franklin, . . . Plainville, . . . Wrentham, . . . }	Bradley M. Rockwood, .	Franklin.

COUNTY OF PLYMOUTH.

1st,	Plymouth, . . .	Alfred S. Burns, . . .	Plymouth.
2d,	{ Duxbury, . . . Marshfield, . . . Norwell, . . . Pembroke, . . . Scituate, . . . }	Joseph John Shepherd, .	Pembroke.

COUNTY OF PLYMOUTH — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Cohasset, . . . } { Hingham, . . . } { Hull, . . . }	Harry E. Mapes, . . .	Cohasset.
4th,	{ Hanover, . . . } { Hanson, . . . } { Rockland, . . . }	Melvin S. Nash, . . .	Hanover.
5th,	{ Abington, . . . } { Whitman, . . . }	E. Alden Dyer, . . .	Whitman.
6th,	{ Carver, . . . } { Lakeville, . . . } { Marion, . . . } { Mattapoisett, . . . } { Rochester, . . . } { Wareham, . . . }	Robert T. Delano, . . .	Wareham.
7th,	{ Halifax, . . . } { Kingston, . . . } { Middleborough, . . . } { Plympton, . . . }	Joseph E. Beals, . . .	Middleborough.
8th,	{ Bridgewater, . . . } { East Bridgewater, . . . } { West Bridgewater, . . . }	Roland M. Keith, . . .	Bridgewater.
9th,	Brockton, Wards 3, 4, .	Edward Gilmore, . . .	Brockton.
10th,	{ Brockton, Wards 1, 2, } { 5, . . . }	James Sidney Allen, . . . Portus B. Hancock, . . .	Brockton. Brockton.
11th,	Brockton, Wards 6, 7, .	Ezra W. Clark, . . .	Brockton.

COUNTY OF BRISTOL.

1st,	{ Attleborough, . . . } { North Attleborough, . . . } { Norton, . . . } { Seekonk, . . . }	Frank O. Coombs, . . . Samuel M. Holman, . . .	No. Attleboro'. Attleborough.
2d,	{ Easton, . . . } { Mansfield, . . . } { Raynham, . . . }	William L. Robinson, . . .	Mansfield.

COUNTY OF BRISTOL — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	Taunton, Wards 5, 7, 8,	Michael J. Kenney, .	Taunton.
4th,	Taunton, Wards 2, 3, 4,	William M. Dean, .	Taunton.
5th,	{ Berkley, . . . } { Dighton, . . . } { Rehoboth, . . . } { Taunton, Wards 1, 6, . }	Charles H. Macomber, .	Berkley.
6th,	{ Acushnet, . . . } { Dartmouth, . . . } { Fairhaven, . . . } { Freetown, . . . }	Henry F. Taber, .	Acushnet.
7th,	{ New Bedford, Wards } { 1, 2, 3, . . . }	Joseph A. Gauthier, . Samuel Ross, .	New Bedford. New Bedford.
8th,	{ New Bedford, Wards } { 4, 5, 6, . . . }	Andrew P. Doyle, . Nathaniel P. Sowle, .	New Bedford. New Bedford.
9th,	{ Fall River, Wards 1, 2, } { Westport, . . . }	William H. Cook, . Thomas F. Higgins, .	Fall River. Fall River.
10th,	{ Fall River, Wards 3, 4, } { 5, . . . }	Francis J. Fennelly, . Joseph A. Parks, .	Fall River. Fall River.
11th,	{ Fall River, Wards 6, 7, } { 8, 9, . . . } { Somerset, . . . } { Swansea, . . . }	Charles E. Boivin, . David P. Keefe, . Joseph Turner, .	Fall River. Fall River. Fall River.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . } { Bourne, . . . } { Falmouth, . . . } { Mashpee, . . . } { Sandwich, . . . }	Thomas Pattison, .	Barnstable.
2d,	{ Chatham, . . . } { Dennis, . . . } { Harwich, . . . } { Yarmouth, . . . }	Clenrie H. Cahoon, .	Harwich.

COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Brewster, . . . } { Eastham, . . . } { Orleans, . . . } { Provincetown, . . . } { Truro, . . . } { Wellfleet, . . . }	Lorenzo D. Baker, Jr., .	Wellfleet.

COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . } { Cottage City,* . . . } { Edgartown, . . . } { Gay Head, . . . } { Gosnold, . . . } { Tisbury, . . . } { West Tisbury, . . . }	Ulysses E. Mayhew, .	West Tisbury.
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COUNTY OF NANTUCKET.

1st,	Nantucket,	Ellenwood B. Coleman, .	Nantucket.
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* Name changed to Oak Bluffs by chapter 27, Acts of 1907.

JAMES W. KIMBALL, *Clerk.*
 DANIEL W. WALDRON, *Chaplain.*
 DAVID T. REMINGTON, *Sergeant-at-Arms.*

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

MARCUS P. KNOWLTON, *of Springfield.*

ASSOCIATE JUSTICES.

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 JOHN WILKES HAMMOND, *of Cambridge.*
 WILLIAM CALEB LORING, *of Boston.*
 HENRY K. BRALEY, *of Fall River.*
 HENRY NEWTON SHELDON, *of Boston.*
 ARTHUR P. RUGG, *of Worcester.*

SUPERIOR COURT.

CHIEF JUSTICE.

JOHN ADAMS AIKEN, *of Greenfield.*

ASSOCIATE JUSTICES.

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 ROBERT R. BISHOP, *of Newton.*
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 FRANKLIN G. FESSENDEN, *of Greenfield.*
 JAMES B. RICHARDSON, *of Boston.*
 FRANCIS A. GASKILL, *of Worcester.*
 JOHN H. HARDY, *of Arlington.*
 WILLIAM B. STEVENS, *of Stoughton.*
 CHARLES U. BELL, *of Andover.*
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 EDWARD P. PIERCE, *of Fitchburg.*
 JABEZ FOX, *of Cambridge.*
 CHARLES A. DE COURCY, *of Lawrence.*
 ROBERT O. HARRIS, *of East Bridgewater.*
 WILLIAM C. WAIT, *of Medford.*
 WILLIAM SCHOFIELD, *of Malden.*
 LLOYD E. WHITE, *of Taunton.*

LORANUS E. HITCHCOCK,	. . . . .	<i>of Springfield.</i>
JOHN C. CROSBY,	. . . . .	<i>of Pittsfield.</i>
WILLIAM F. DANA,	. . . . .	<i>of Newton.</i>
JOHN F. BROWN,	. . . . .	<i>of Milton.</i>
HENRY A. KING,	. . . . .	<i>of Springfield.</i>
GEORGE A. SANDERSON,	. . . . .	<i>of Ayer.</i>
ROBERT F. RAYMOND,	<i>of New Bedford.</i>

LAND COURT.
JUDGE.

LEONARD A. JONES,	<i>of Boston.</i>
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ASSOCIATE JUDGE.

CHARLES T. DAVIS,	<i>of Beverly.</i>
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RECORDER.

CLARENCE C. SMITH,	<i>of Everett.</i>
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JUDGES OF PROBATE AND INSOLVENCY.

ROBERT GRANT, Boston,	SUFFOLK.
ELIJAH GEORGE, Boston,	SUFFOLK.
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GEORGE FIELD LAWTON, Cambridge,	MIDDLESEX.
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FREDERICK H. CHAMBERLAIN, Worcester,	WORCESTER.
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SAMUEL B. SPOONER, Springfield,	HAMPDEN.
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JOHN D. COBB, Dedham,	NORFOLK.
SUMNER A. CHAPMAN, Hanson,	PLYMOUTH.
ARTHUR M. ALGER, Taunton,	BRISTOL.
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JOSIAH F. BARRETT, Nantucket,	NANTUCKET.

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JOHN NOBLE, Boston, Supreme Judicial Court, . . .	SUFFOLK.
FRANCIS A. CAMPBELL, Boston, Sup. Court, Civil Business, }	SUFFOLK.
JOHN P. MANNING, Boston, Sup. Court, Criminal Business, }	
EDWARD B. GEORGE, Haverhill,	ESSEX.
THEODORE C. HURD, Winchester,	MIDDLESEX.
THEODORE S. JOHNSON, Worcester,	WORCESTER.
HAYNES H. CHILSON, Northampton,	HAMPSHIRE.
ROBERT O. MORRIS, Springfield,	HAMPDEN.
CLIFTON L. FIELD, Greenfield,	FRANKLIN.
FRANK H. CANDE, Pittsfield,	BERKSHIRE.
LOUIS A. COOK, Weymouth,	NORFOLK.
EDWARD E. HOBART, Plymouth,	PLYMOUTH.
SIMEON BORDEN, Fall River,	BRISTOL.
ALFRED CROCKER, Barnstable,	BARNSTABLE.
SAMUEL KENISTON, Edgartown,	DUKES.
JOSIAH F. MURPHEY, Nantucket,	NANTUCKET.

MEMBERS OF THE SIXTIETH CONGRESS.

[Congressional Districts established by Chap. 511, Acts of 1901.]

SENATORS.

HENRY CABOT LODGE, *of Nahant.*
 WINTHROP MURRAY CRANE, *of Dalton.*

REPRESENTATIVES.

DISTRICT I. — GEORGE P. LAWRENCE, *of North Adams.*
 II. — FREDERICK H. GILLET, *of Springfield.*
 III. — CHARLES G. WASHBURN, *of Worcester.*
 IV. — CHARLES Q. TIRRELL, *of Natick.*
 V. — BUTLER AMES, *of Lowell.*
 VI. — AUGUSTUS P. GARDNER, *of Hamilton.*
 VII. — ERNEST W. ROBERTS, *of Chelsea.*
 VIII. — SAMUEL W. McCALL, *of Winchester.*
 IX. — JOHN A. KELIHER, *of Boston.*
 X. — JOSEPH F. O'CONNELL, *of Boston.*
 XI. — ANDREW J. PETERS, *of Boston.*
 XII. — JOHN W. WEEKS, *of Newton.*
 XIII. — WILLIAM S. GREENE, *of Fall River.*
 XIV. — WILLIAM C. LOVERING, *of Taunton.*

APPENDIX.

The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under section 1 of chapter 9 of the Revised Laws, which directs the governor to appoint a skilled person to prepare “a table of changes in the general laws.”

TABLES

SHOWING

WHAT GENERAL LAWS OF THE COMMONWEALTH HAVE BEEN AFFECTED BY SUBSEQUENT LEGISLATION

I

CHANGES IN THE "REVISED LAWS"

Chapter 1.—Of the Jurisdiction of the Commonwealth, and Places ceded to the United States.

SECT. 4. Act relative to the boundary line of the Commonwealth. St. 1906, 146.

SECT. 5. Tracts ceded: In Nahant. St. 1902, 373. The "Graves." St. 1903, 258 § 1. In Nantucket. St. 1904, 428. Hingham and Weymouth. St. 1905, 446. Hull. St. 1905, 455; 1906, 511. Deer Island. St. 1907, 172.

SECT. 9 extended to geological survey. St. 1903, 150 § 1.

SECTS. 10-12. See St. 1903, 150 § 2.

SECT. 13. See St. 1906, 146.

Chapter 2.—Of the Arms and the Great Seal of the Commonwealth.

Use of representations, for advertising or commercial purposes, forbidden. St. 1903, 195.

Chapter 3.—Of the General Court.

As to the fiscal year and appropriations, see St. 1905, 211 § 12.

As to petitions for construction or repairs of buildings, see St. 1907, 520.

SECT. 10 amended. St. 1907, 163.

SECT. 11. Salaries changed. St. 1907, 304.

SECT. 12 amended. St. 1904, 87; 1906, 126. (See 1904, 440.)

SECT. 13. See St. 1904, 440.

SECT. 17 amended. St. 1902, 544 § 1.

Chapter 4. — Of the Governor, Lieutenant Governor and Council.

SECT. 6. Salary of executive secretary fixed. St. 1904, 268. Executive messenger. St. 1906, 109 § 1. (See 1902, 523.)

SECT. 8. Allowance for clerical assistance. St. 1904, 88.

Chapter 5. — Of the Secretary of the Commonwealth.

SECT. 1 amended. St. 1907, 276.

SECT. 2 revised. St. 1902, 364.

SECT. 4 *et seq.* See St. 1902, 470, 524, 544 § 8; 1903, 368 §§ 2, 4, 437 § 88, 484 §§ 2, 3; 1904, 374 § 5, 458 § 2; 1905, 321 § 2; 1906, 433 § 4, 434; 1907, 111, 396 § 1. Res. 8 of 1904.

SECT. 6. See St. 1902, 438.

SECT. 11 amended. St. 1903, 424 § 1.

Chapter 6. — Of the Treasurer and Receiver General, the Auditor of Accounts and Matters of Finance.

An act to establish a new fiscal year for the Commonwealth. St. 1905, 211.

SECT. 1. Expense of bond to be paid by the Commonwealth. St. 1907, 276 § 1.

SECT. 1 *et seq.* See St. 1903, 251, 368 § 2; 1904, 246, 421, 426, 427 §§ 1, 3, 431; 1905, 428; 1906, 204 § 4, 407, 435 § 8; 1907, 165, 229 § 4, 238, 446 § 2, 474, 563.

SECT. 4. Salaries changed: Third clerk. St. 1903, 398 §§ 1, 2. Assistant bookkeeper. St. 1905, 272. (See 1907, 276.)

SECT. 7. See St. 1903, 109; 1907, 121.

SECT. 9 amended. St. 1905, 211 § 2.

SECT. 13. See St. 1907, 276.

SECT. 14 revised. St. 1907, 139 § 2, 276. (See 1902, 177; 1903, 120; 1904, 440; 1905, 149.)

SECT. 15 *et seq.* See St. 1903, 368 § 2; 1904, 431, 458 § 2.

SECT. 21 revised. St. 1907, 139 § 1. (See 1905, 211 § 3.)

SECT. 22 revised. St. 1905, 211 § 4.

SECT. 25 amended. St. 1905, 211 § 5.

SECT. 26 amended. St. 1905, 211 § 6.

SECT. 27 repealed. St. 1905, 211 § 13.

SECT. 28 *et seq.* See St. 1904, 458 §§ 1-6; 1907, 165 § 1.

SECT. 31 amended. St. 1905, 211 § 7.

SECT. 35. Other advances authorized. St. 1905, 369 § 1; 1907, 466.

SECT. 37 amended. St. 1905, 211 § 8.

SECT. 38 amended. St. 1905, 211 § 9.

SECT. 40 amended. St. 1905, 211 § 10.

SECT. 41 *et seq.* See act relative to construction and improvement of buildings at State and other institutions. St. 1907, 520.

SECT. 46 amended. St. 1903, 283 § 1. (See 1905, Res. 2.)

SECT. 48 amended. St. 1903, 283 § 2.

SECT. 59 revised. St. 1906, 487. (See 1902, 55.)

SECTS. 65, 79. See St. 1903, 471 ; 1904, 458.

SECT. 69. See St. 1903, 109 ; 1907, 121.

SECT. 72 *et seq.* Treasurer may issue bonds or scrip on serial plan, instead of a sinking fund St. 1903, 226 ; 1905, 169. Issue of bonds or notes regulated. St. 1904, 263. (See 1906, 493.)

SECT. 77. Extended to contracts for counties, cities and towns. St. 1904, 349.

SECT. 81. See St. 1903, 109 ; 1907, 121.

Chapter 7.—Of the Attorney-General and the District Attorneys.

SECT. 1 *et seq.* See St. 1902, 349 ; 1903, 251 ; 1904, 344 § 1, 375 §§ 3-6, 421 § 1 ; 1906, 372, 377 § 2, 433 § 6 ; 1907, 465 § 25, 524 § 3.

SECT. 9. Office of chief clerk established. St. 1903, 357 §§ 1, 2. (See 1907, 276.)

SECTS. 11, 13. Districts classified and salaries established. St. 1905, 157 §§ 1, 2, 3, 5, 6. (See 1902, 471, 530 ; 1903, 395.)

SECT. 12. Three assistants. St. 1906, 460 § 1.

SECT. 13. Salaries changed. St. 1905, 157 § 3 ; 1906, 460 § 2. (See 1902, 471.)

SECT. 13 *et seq.* Additional assistance in Suffolk. St. 1906, 460 § 3.

Certain expenses authorized. St. 1906, 494 ; 1907, 170. Advances authorized. St. 1905, 369.

Travelling expenses allowed. St. 1905, 157 § 4.

Chapter 8.—Of the Statutes.

SECT. 4. See St. 1907, 414.

SECT. 5, cl. 9. See St. 1902, 109 ; 1905, 328 ; 1907, 204.

Chapter 9.—Of the Printing and Distribution of the Laws.

A board of publication is established. St. 1902, 438.

SECT. 5 repealed. St. 1905, 211 § 13. (See 1903, 291 ; 1906, 235.)

SECT. 6 repealed. St. 1902, 438 § 7.

SECT. 7 repealed in part. St. 1902, 228 § 8, 438 § 7. Reports of board of health. St. 1902, 230 ; 1905, 275. Limitation as to statistics in reports. St. 1904, 388 § 2. (See 1907, 289.)

Amended. St. 1902, 269 ; 1903, 291, 390 ; 1904, 388 § 1, 410 ; 1905, 138.

Certain printed town records added. St. 1902, 470 § 2.

Provision for distribution of certain state documents to law libraries. St. 1904, 209.

SECT. 9. See Res. 1905, 2.

Chapter 10.—Of the State House, the Sergeant-at-Arms and the State Library.

SECT. 4. See St. 1907, 135 § 1.

SECT. 6 amended. St. 1905, 218 § 1.

SECT. 9. Compensation of elevator men. St. 1906, 232. Of porters. St. 1907, 384.

SECT. 10 amended. Compensations fixed. St. 1903, 455 § 1; 1905, 218 § 2; 1907, 359.

SECT. 11. Sergeant may employ a cashier who shall be a stenographer. St. 1903, 323 § 1. Postmaster's salary changed. St. 1903, 323 § 1.

SECT. 29 revised. St. 1905, 154.

Chapter 11.—Of Elections.

This chapter, except sections 422-425, is repealed and superseded by St. 1907, 560, 579, 581. (See 1902, 56, 90, 157, 225, 346, 348, 384, 492, 506, 512, 518, 537, 544 § 2; 1903, 279, 318, 368, 425, 426, 430, 450, 453, 454, 474; 1904, 41, 179, 201, 245, 275, 293, 294, 310, 334, 375, 377, 380, 404; 1905, 111, 313, 318, 386, 397; 1906, 76, 291 § 18, 298, 311, 444, 481, 497; 1907, 330, 387, 429, 468, 543.)

Certain veteran soldiers and sailors may vote without being assessed for a poll tax. St. 1906, 481.

Name of party changed. St. 1902, 56.

Municipal parties in Cambridge. St. 1902, 529.

SECTS. 422-425. New districts. St. 1906, 497. Nominations in certain districts to be made in caucus by direct plurality vote. St. 1907, 543. (See 1903, 450.)

Act to divide the Commonwealth into election districts. St. 1906, 497.

Act to prohibit unsigned political advertisements and contributions by certain corporations. St. 1907, 581.

Chapter 12.—Of the Assessment of Taxes.

SECT. 1. See St. 1906, 315.

SECTS. 3, 4. Provision for local taxation of real estate and machinery of water companies. St. 1907, 329.

SECT. 4. Fourth cl. in part repealed. St. 1902, 374 § 4. As to excise tax on trading stamps or similar devices, see St. 1904, 403; 1906, 523. (See 1903, 386.) Taxation of corporations. St. 1903, 437 §§ 71-87; 1904, 261, 442; 1906, 271 §§ 11, 12, 516 §§ 14-25; 1907, 395, 578, 586.

SECT. 5, cl. 13. Exemption of certain veterans and their widows. St. 1906, 315; 1907, 367. (See 1906, 481.)

Bonds or certificates of indebtedness of the Commonwealth are exempted. St. 1904, 493.

SECTS. 7, 8 and 9 repealed, and new provisions made for taxing vessels engaged in foreign trade. St. 1902, 374.

SECTS. 10, 11. See St. 1903, 161.

SECT. 12 amended. St. 1903, 161 § 1.

SECT. 15 amended. St. 1902, 113. (See 1907, 378.)

SECT. 17 amended. St. 1902, 112.

SECT. 23. Provision as to underground wires, etc., added. St. 1902, 342 § 1. (See 1906, 516 § 20.)

SECTS. 23, 27. See St. 1906, 516 § 20.

SECT. 41 revised. St. 1903, 157 § 1.

SECT. 49 repealed. St. 1902, 111.

SECT. 58 amended. St. 1907, 181.

SECTS. 60, 61. See St. 1907, 586 § 5.

SECT. 67. See St. 1907, 378.

SECT. 73 *et seq.* See St. 1904, 442.

SECT. 77. See St. 1906, 516 § 19.

SECTS. 78, 79. See St. 1903, 161 § 1; 1906, 516 § 19.

SECT. 84 amended. St. 1902, 91.

SECT. 93 amended. St. 1904, 181; 1906, 271 § 11. (See 1903, 437 § 74; 1904, 261 § 1, 442 § 1; 1906, 463 III § 128, 516 § 17; 1907, 586 § 5.)

SECT. 97. See St. 1907, 378.

Chapter 13. — Of the Collection of Taxes.

The provisions of this chapter, so far as appropriate, apply to St. 1906, 516.

SECT. 3 *et seq.* See St. 1907, 378.

SECT. 13 amended. St. 1907, 378 § 2, 427.

SECT. 20 *et seq.* A foreign corporation or non-resident failing to pay the tax may be enjoined in equity from doing business here until tax is paid. St. 1902, 349. (See 1906, 372.)

SECT. 35. See St. 1907, 378 § 2.

SECT. 41. See St. 1906, 463 III § 129.

SECT. 43 amended. St. 1902, 423; 1905, 193.

SECT. 58 amended. St. 1905, 325 § 1. (See 1906, 463 III § 132.)

SECTS. 60, 61 superseded. St. 1902, 443.

SECT. 61 amended. St. 1905, 325 § 2.

SECT. 75 amended. St. 1905, 325 § 3.

Chapter 14. — Of the Taxation of Corporations.

The law as to taxation of business corporations is revised. St. 1903, 437 §§ 45, 71-87; 1904, 261; 1906, 271 §§ 11, 12; 1907, 329, 395, 578, 586. An act relative to the assessment of taxes upon corporations and to the abatement thereof. St. 1904, 442.

SECT. 1 amended. St. 1907, 564 § 1. (See 1907, 563.)

SECT. 1 *et seq.* See St. 1906, 204 § 4, 269.

SECT. 2 amended. St. 1904, 99; 1906, 322; 1907, 564 § 2.

SECT. 3 *et seq.* See St. 1904, 374 § 5, 435.

SECT. 4 amended. St. 1906, 271 § 1. (See 1906, 576 §§ 15, 21.)

SECT. 5. See St. 1904, 385.

SECT. 17 amended. St. 1906, 271 § 2.

SECT. 19 amended. St. 1906, 271 § 3; 1907, 246.

SECT. 20 amended. St. 1906, 271 § 4.

SECT. 22 amended. St. 1906, 271 § 5.

SECT. 24 amended. Returns to include new policies. St. 1903, 307 § 1.

SECT. 32 amended. St. 1906, 271 § 6.

SECT. 33 amended. St. 1906, 271 § 8.

SECT. 37 *et seq.* Act relative to the taxation of express companies. St. 1907, 586. And of water companies. St. 1907, 329.

SECTS. 37-40, 42, 61, 62, in part repealed. St. 1906, 463 II § 258, III §§ 125-137, 158. (See 1902, 342 §§ 2-5; 1903, 437; 1904, 442; 1907, 318, 395.)

SECT. 40 amended. St. 1906, 271 § 9. (See 1906, 463 II § 258.)

SECTS. 41, 43-47 repealed. St. 1906, 463 III § 158. (See 1906, 463 III §§ 130, 133.)

SECTS. 49, 50, 51, 52, 69 repealed. St. 1903, 437 § 95. (See 1904, 261 § 1.)

SECT. 54 amended. St. 1906, 271 § 10.

SECT. 65. See St. 1907, 329, 586 § 6.

SECT. 67 amended. St. 1906, 349 § 1.

Chapter 15. — Of the Taxation of Collateral Legacies and Successions.

This chapter is repealed and superseded by St. 1907, 563. (See 1902, 473; 1903, 248, 251, 276; 1904, 421; 1905, 307, 367, 470; 1906, 436.)

As to bequest or devise free of tax, see St. 1907, 452.

Chapter 16. — Of the Militia.

This chapter is revised. St. 1905, 465; 1906, 198, 212, 273, 373, 423, 469, 504; 1907, 232 § 4, 305, 356, 526. (See 1902, 158, 336, 493; 1903, 151, 247, 377, 457, 481; 1904, 226, 231, 361, 371, 439; 1905, 202, 298, 391, 468; 1906, 139.)

Act to regulate tenure of office of certain officers. St. 1906, 423.

Parading of foreign troops authorized in certain cases. St. 1906, 198.

Commander-in-chief is authorized to organize the militia in conformity with the laws of the United States. St. 1903, 481; 1907, 356.

Allowance for military instruction. St. 1905, 202.

Chapter 18. — General Provisions relative to State Officers.

SECT. 13 revised. St. 1903, 229 § 1.

SECT. 14 repealed. St. 1903, 229 § 2.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320.

SECT. 16 amended. St. 1904, 295.

Chapter 19. — Of the Civil Service.

Extensions of the provisions of this chapter. St. 1903, 102; 1904, 143; 1907, 292.

Removals and suspensions regulated. St. 1904, 314; 1905, 243; 1906, 210; 1907, 272. (See 1900, 69 § 3; 1904, 288; 1907, 245, 458.)

Act relative to posting notices of examinations. St. 1906, 277.

Provision for publicity in certain cases. St. 1906, 306.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320. (See 1904, 343 § 1.)

A board of publication is established. St. 1902, 438.

SECT. 1 amended. St. 1906, 159 § 1; 1907, 344.

SECT. 2 amended. St. 1907, 454. Additional employees. St. 1906, 465 § 1.

SECT. 4 *et seq.* See St. 1906, 277.

SECT. 5 amended. St. 1902, 308.

SECT. 6 *et seq.* See act relative to civil service rules and regulations. St. 1904, 198. (See also 1904, 194.)

SECT. 9. Exemptions. St. 1907, 245.

SECTS. 21, 22 limited. St. 1902, 413; 1904, 430.

SECT. 23 extended. St. 1904, 314. Amended. St. 1905, 150. Retirement pension of veterans. St. 1907, 458.

SECT. 30 *et seq.* See St. 1907, 581.

SECT. 36 amended. St. 1902, 544 § 3.

SECT. 37. See St. 1903, 102; 1904, 143, 288.

Chapter 20.—Of Counties and County Commissioners.

County commissioners authorized to kill sheep-worrying dogs in certain cases. St. 1902, 226; 1904, 127. Provision for bounty for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. Damages caused by wild deer. St. 1903, 407.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 14. Salaries classified and established. St. 1904, 451 § 1; 1905, 179; 1906, 290 § 1. (See 1902, 411, 544 § 4.)

SECT. 24. See St. 1902, 226; 1903, 243, 344; 1906, 463 II §§ 117, 122.

SECT. 27. Provision to secure persons furnishing materials or labor on public works. St. 1904, 349. (See 1907, 188.)

SECT. 30. See St. 1904, 317.

Chapter 21.—Of County Treasurers, the Controller of County Accounts and County Finances.

SECT. 1. See St. 1904, 451 § 4.

SECT. 2 amended. Salaries classified and established. St. 1904, 451 §§ 1, 5; 1905, 179. Middlesex. St. 1906, 290 § 1.

SECT. 3. Clerical assistance: Bristol; St. 1906, 398. Essex; 1905, 322 § 1. Hampden; 1905, 163. Middlesex; 1905, 322 § 2. Norfolk; 1907, 231. (See 1905, 332 § 1.)

SECT. 20. See St. 1904, 277 § 2.

SECT. 39. Non-interest-bearing notes may be issued and sold at a discount. St. 1904, 153.

Chapter 22.—Of Registers of Deeds.

SECT. 7 amended. St. 1902, 544 § 5.

SECT. 9. See St. 1907, 225 § 2.

SECT. 12 amended. St. 1906, 67 § 1. (See 1907, 225 § 1.)

SECT. 18. See St. 1907, 225.

SECT. 24. See St. 1907, 225.

SECT. 31 amended. Powers of commissioners increased. St. 1902, 422.

SECT. 32 amended. Salaries classified and established. St. 1904, 452 §§ 1, 3.

Provision for future readjustments of salaries. St. 1904, 452 § 2.

Chapter 23.—Of Sheriffs.

SECT. 2. See St. 1906, 147; 1907, 312.

SECT. 17. Tenure of office. St. 1906, 147.

SECT. 18. Salaries changed: Essex, St. 1907, 254. Franklin, 1902, 359. Hampden, 1906, 233. Plymouth, 1902, 436.

Chapter 24.—Of Medical Examiners.

SECT. 11 amended. St. 1904, 119.

Chapter 25.—Of Towns and Town Officers.

Provision for boards of survey. St. 1907, 191.

Town may provide for choice of a moderator for one year. St. 1902, 346 § 1. He shall be sworn in. St. 1902, 346 § 2. Provision in case of his absence. St. 1902, 346 § 3. May provide industrial schools. St. 1906, 505 § 3. Town may appropriate money for observance of "old home week or day." St. 1902, 109; 1907, 311. And, not exceeding \$500, for band concerts. St. 1904, 152. For propagation and cultivation of shellfish. St. 1904, 282 § 1. For removal of snow and ice from sidewalks in certain cases and assess cost on abutting estates. St. 1902, 205. For monuments to soldiers and sailors of the revolution. St. 1903, 116. For certain pensions. St. 1907, 186. For maintenance of highways, with neighboring city or town. St. 1907, 196. Towns may regulate and license junk collectors. St. 1902, 187. May grant permits in certain cases for transportation of intoxicating liquors. St. 1906, 421 § 2. May contribute toward expense of state highways. St. 1904, 125. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1903, 473 § 14; 1905, 366 § 1; 1906, 412 § 9. (See 1905, 311; 1906, 353, 412; 1907, 203, 494.) May establish hours of labor of fire department. St. 1904, 315. May provide for care of neglected burial grounds. St. 1902, 389. May restrict catching of pickerel. St. 1905, 417. Selectmen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. Towns having no electric light may contract therefor with street railway companies. St. 1902, 499; 1906, 218. (See 1906, 463 III § 59.) Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381; 1906, 268; 1907, 521. Bounty to be paid for killing a wild-cat, Canada lynx or loupcevriev. St. 1903, 344 § 1. As to damages caused by wild deer, see St. 1903, 407.

Acts relative to taking land in certain cases by right of eminent domain. St. 1904, 443; 1905, 390.

Cities and towns authorized to establish municipal building insurance funds. St. 1905, 191; 1907, 576 § 102.

SECT. 13 extended. St. 1907, 232 § 1.

SECT. 14 amended. St. 1902, 544 § 6.

SECT. 15. Par. 4, see St. 1903, 400. Par. 5, see St. 1904, 125; 1907, 196. Par. 15, see St. 1903, 483.

SECT. 16. See St. 1902, 57; 1905, 381; 1906, 268.

- SECT. 23. Par. 4, see St. 1902, 205. Par. 7, see St. 1903, 383 § 3.
- SECT. 24. See St. 1903, 475 § 14; 1905, 366 § 1.
- SECT. 26 revised. By-laws to be approved by attorney-general and published three times. St. 1904, 244 § 1. (See 1904, 344 § 2; 1905, 144.)
- SECT. 27. Repeal and substitute. St. 1907, 117.
- SECT. 31 *et seq.* Towns and cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459.
- SECT. 35. Extended to purchase of water. St. 1902, 361.
- SECT. 37. See St. 1905, 266.
- SECT. 45 *et seq.* See St. 1904, 317, 443.
- SECT. 49. See St. 1905, 266.
- SECT. 54. See St. 1902, 449.
- SECT. 57. Provision for protection of persons furnishing labor or materials on public works. St. 1904, 349.
- SECT. 59 *et seq.* See St. 1904, 364; 1905, 317 § 2; 1906, 277.
- SECT. 65. See St. 1907, 191 § 1.
- SECT. 68. See St. 1907, 579.
- SECT. 72 *et seq.* See St. 1904, 458 § 3.
- SECT. 74 amended. St. 1904, 277 § 1. Police officer or treasurer may prosecute for fines, etc. St. 1904, 277 § 2.
- SECT. 79. Certain trust accounts to be audited. St. 1904, 322. (See 1906, 296 § 1.)
- SECTS. 81-83. Act to authorize establishment of board of survey. St. 1907, 191.
- SECT. 83. See St. 1902, 57.
- SECT. 94. Policemen and firemen may be pensioned. St. 1904, 327. And their widows. St. 1907, 186. Provision for license to carry loaded pistol. St. 1906, 172 § 1.

Chapter 26. — Of Cities.

Contracts made by cities shall be open to inspection by the public. St. 1907, 343.

Cities and towns authorized to establish municipal building insurance funds. St. 1905, 191; 1907, 576 § 102. To establish industrial schools. St. 1906, 505 § 3. Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381; 1906, 268; 1907, 521.

City may appropriate money for observance of "home week." St. 1902, 109. And for memorials of persons who served in Spanish-American war. St. 1902, 286. And in the war of the revolution. St. 1903, 116. For care of neglected burial grounds. St. 1902, 389. For propagation and cultivation of shellfish. St. 1904, 282 § 1. For maintenance of highway, with neighboring city or town. St. 1907, 196. May contribute toward expense of state highways. St. 1904, 125. May regulate and license junk collectors. St. 1902, 187. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1903, 473 § 14; 1905, 366 § 1; 1906, 412 § 9. (See 1905, 311; 1906, 353, 412; 1907, 203, 494.) May establish hours of labor of fire department. St. 1904, 315. Aldermen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. (See 1906, 463 III § 59.)

Cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459. May grant permits in certain cases for transportation of intoxicating liquors. St. 1906, 421 § 2.

Acts relative to taking land in certain cases by right of eminent domain. St. 1904, 443; 1905, 390.

Temporary use of armories for certain purposes is authorized. St. 1905, 298.

SECT. 2. See St. 1904, 349; 1906, 277, 296 § 1.

SECT. 7. Overseers of the poor to be elected for three years in certain cities. St. 1902, 444.

SECTS. 7, 8. See act relative to term of office of municipal auditors. St. 1905, 373. And of police officers. St. 1906, 210; 1907, 272.

SECT. 15. See St. 1906, 277 § 2.

SECT. 19. See St. 1906, 210; 1907, 272.

SECT. 21. Cities (except Boston) may provide annuities for widows and minor children of police officers who die from injuries received in discharge of duty. St. 1902, 437. (See 1903, 312; 1906, 210.)

SECT. 22. See St. 1907, 577.

SECT. 28. See St. 1903, 457; 1904, 371.

SECT. 40. See St. 1906, 291 § 10.

Chapter 27. — Of Municipal Indebtedness.

Contracts made by cities shall be open to public inspection. St. 1907, 343.

Cities and towns authorized to establish municipal building insurance funds. St. 1905, 191; 1907, 576 § 102.

SECT. 3. See St. 1902, 325; 1905, 191 § 2; 1907, 576 § 103.

SECTS. 6, 10. Notes may be non-interest bearing and sold at a discount. St. 1904, 153.

SECT. 11 amended. "Parks" added. St. 1903, 375.

SECTS. 13, 14, 15. See St. 1902, 325.

SECT. 15. See St. 1905, 191 § 3; 1907, 576 § 104.

SECT. 19. See St. 1903, 226; 1907, 474 § 13.

Chapter 28. — Of Public Parks, Playgrounds and the Public Domain.

The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443; 1905, 390. (See 1904, 317; 1905, 266.)

Office of state forester established and duties prescribed. St. 1904, 409.

As to metropolitan park commission, see St. 1893, 407; 1894, 288; 1895, 450; 1896, 465; 1898, 473, 531; 1899, 400, 406, 419; 1900, 413, 475; 1901, 83, 146, 380; 1902, 77, 166, 172; 1903, 158, 290, 429; 1904, 170, 236, 237, 431; 1905, 366, 456, 457; 1906, 336, 353 § 4, 368, 375; 1907, 404, 433, 449.

SECT. 1 amended. St. 1902, 544 § 7.

SECTS. 2, 3. See St. 1903, 158, 331 § 1; 1905, 205.

SECT. 8. See St. 1905, 266.

SECT. 11. See St. 1907, 463 III § 7.

SECT. 25. See St. 1902, 57, 495; 1904, 409; 1905, 381; 1906, 268.

Chapter 29. — Of the Return and Registry of Births, Marriages and Deaths.

Provision for printing and preserving certain town records. St. 1902, 470.

SECT. 6. See St. 1905, 330 § 1.

SECT. 18 amended. St. 1903, 305 § 1; 1906, 415 § 1.

SECT. 22 amended. St. 1902, 544 § 8.

Chapter 30. — Of Workhouses and Almshouses.

SECT. 1. See St. 1903, 400; 1905, 162. Offenders not to be confined or associate with paupers. St. 1904, 274; 1905, 348 § 1. (See 1905, 344.)

Chapter 32. — Of the State Fire Marshal, Fires, Fire Departments and Fire Districts.

Offices of state fire marshal, deputy and subordinates abolished and department transferred to district police. St. 1902, 142; 1903, 365. (See 1904, 370, 433; 1905, 247, 280, 461.)

SECT. 13. See St. 1905, 266.

SECT. 15 *et seq.* Name changed to forest wardens. St. 1907, 475 § 5.

SECT. 16 amended. St. 1907, 475 § 1.

SECTS. 17, 18, 22 repealed. St. 1907, 475 § 10.

SECT. 20 amended. St. 1907, 475 § 3. (See 1907, 299.)

SECT. 26 *et seq.* See St. 1904, 194, 315, 327.

SECT. 37. Extended to hospital ambulances. St. 1904, 161. (See 1889, 57.) Firemen's parades authorized in certain cases. St. 1906, 139.

SECT. 49 amended. St. 1906, 63 § 1.

SECTS. 71, 72. Amount increased. St. 1902, 108; 1906, 171.

SECT. 73 revised. St. 1903, 253 § 1.

SECT. 81 amended. St. 1906, 476 § 1. (See 1904, 327; 1907, 186.)

Chapter 33. — Of Fences and Fence Viewers, Pounds and Field Drivers.

SECT. 26. See St. 1905, 266.

Chapter 34. — Of the Manufacture and Distribution of Gas and Electricity by Cities and Towns.

SECT. 1 repealed. St. 1906, 463 III § 158. (See 1902, 449; 1906, 218, 463 III § 59 *et seq.*)

SECT. 10 amended. St. 1903, 255 § 1.

SECT. 11 revised. St. 1905, 410 § 1. (See 1905, 410 § 7; 1906, 422.)

SECT. 12 revised. St. 1905, 410 § 2.

SECT. 20 revised. St. 1905, 410 § 3.

SECT. 21 revised. St. 1905, 410 § 4; 1906, 411 § 1.

SECT. 27 revised. St. 1905, 410 § 5.

SECT. 28. See St. 1905, 266.

SECT. 29 revised. St. 1905, 410 § 6.

SECT. 32 (new) added. St. 1905, 410 § 7.

Chapter 35.—Of the Public Records.

Certain public records in Norfolk to be transferred to Essex. St. 1902, 311 § 1.

SECT. 3. See St. 1902, 470 § 1.

SECT. 5. See St. 1903, 177.

SECT. 5 *et seq.* Act providing for attesting and certifying public records in certain cases. St. 1907, 225.

SECTS. 12, 14. As to custody of records deposited elsewhere than where they originally belonged, see St. 1902, 311 §§ 2, 3.

SECT. 17 limited. St. 1903, 177; 1905, 330 § 3.

SECT. 23 amended. St. 1903, 177 § 1.

Chapter 36.—Of Parishes and Religious Societies.

SECT. 27 amended. St. 1905, 167.

Chapter 38.—Of Libraries.

SECTS. 2-5. See St. 1904, 209.

SECT. 4. See St. 1903, 442; 1906, 428, 527; 1907, 278, 279, 280, 281.

SECT. 11 *et seq.* See St. 1902, 470 § 1.

SECT. 15. Provision for annual expenditure. St. 1906, 183.

Chapter 39.—Of the Board of Education.

Acts relative to the employment of school teachers through the board of education. St. 1906, 399; 1907, 213.

Board may provide transportation for children in certain cases. St. 1903, 483. They may form or adjust unions of towns for employment of superintendents. St. 1903, 299. And determine their qualifications. St. 1904, 215.

SECT. 2 amended. St. 1904, 234 § 1.

SECTS. 3, 4, 9, 12, 13, 14, 15, 16 repealed. St. 1904, 234 § 3. (See 1903, 456 § 4.)

SECT. 9. See St. 1906, 502 § 6.

SECT. 15. See St. 1906, 399 § 2.

SECTS. 19-21. See St. 1906, 385.

SECT. 20. See St. 1905, 211 § 1.

Chapter 40.—Of Teachers' Institutes and Associations.

SECTS. 2, 6 in part repealed. St. 1903, 456 § 4.

SECT. 4 amended. St. 1904, 383 § 1; 1905, 260 § 1.

SECT. 5 repealed. St. 1905, 260 § 2.

Chapter 41.—Of the School Funds.

As to technical education fund, see St. 1904, 174.

SECTS. 4, 5 repealed and new provisions made for distribution of income of the school fund. St. 1903, 456; 1904, 107. (See 1904, 189.)

Chapter 42.—Of the Public Schools.

Acts relative to the employment of school teachers through the board of education. St. 1906, 399; 1907, 213.

Provisions for schools in Boston. St. 1889, 297; 1895, 408; 1897, 202, 442; 1898, 400; 1899, 362; 1900, 235, 237; 1901, 448, 473; 1902, 386; 1903, 170; 1904, 212, 376; 1905, 349, 392; 1906, 205, 231, 259, 318, 489 § 8; 1907, 295, 357, 411, 450.

Provision for schools for the blind. St. 1906, 385 §§ 4-6. For industrial schools. St. 1906, 505. For a state school for the feeble-minded. St. 1906, 508; 1907, 421.

SECT. 3 amended as to amounts to be furnished by the Commonwealth. St. 1902, 433; 1906, 200.

SECT. 10 repealed. St. 1906, 505 § 8.

SECT. 14. See St. 1904, 172.

SECT. 20. See St. 1905, 328.

SECTS. 25-39. School committees authorized to exhibit school work in certain cases. St. 1904, 172. No member of school committee shall be eligible to position of teacher, master or superintendent of public schools of the town or district. St. 1904, 173. Provision for appointment of school physicians. St. 1906, 502.

SECTS. 26, 34. See act relative to authority of school committee over organizations of school pupils. St. 1906, 251.

SECT. 28. See St. 1906, 399.

SECT. 30 repealed. St. 1903, 456 § 4. (See 1904, 107.)

SECT. 39. See St. 1904, 107 § 2.

SECT. 43. See St. 1906, 505 § 4.

SECTS. 43-48. Board of education may form or adjust unions of towns. St. 1903, 299. And determine qualifications of superintendents. St. 1904, 215.

Chapter 44.—Of School Attendance.

SECT. 1 amended. St. 1905, 320; 1906, 383. (See 1906, 413, 489.)

SECT. 4 amended. St. 1905, 375 § 1.

SECT. 4 *et seq.* See St. 1903, 483.

SECT. 6 amended. St. 1906, 371 § 1; 1907, 215.

Chapter 45.—Of the Nautical Training School.

SECT. 5 amended relative to annual expenditure. St. 1903, 171 § 1.

Chapter 46.—Of Truants and Truant Schools.

Act to provide for the commitment of habitual truants, habitual absentees and habitual school offenders. St. 1906, 389. (See 1906, 489, 499 § 3; 1907, 137, 158, 195, 411.)

Acts relative to delinquent children. St. 1906, 413, 489; 1907, 411.

SECT. 1 amended. Franklin and Hampshire excepted. St. 1902, 256. (See 1906, 148.)

SECTS. 3, 4, 5 revised. St. 1903, 330 §§ 1, 2, 3; 1904, 220 §§ 1, 2, 3; 1906, 389. (See 1906, 413, 489.)

SECT. 8 amended. St. 1904, 220 § 4.

SECT. 9 amended. Jurisdiction transferred to board of trustees or county commissioners. St. 1903, 308 § 1.

SECT. 10 amended. St. 1903, 330 § 4.

SECT. 11. See St. 1903, 334 §§ 1-3; 1906, 389, 413, 489, 499 § 5, 501; 1907, 137, 158, 195.

SECT. 13. See St. 1904, 356; 1906, 499.

Chapter 47.—Of State Highways.

Massachusetts highway commission to have general supervision of telegraph and telephone companies. St. 1906, 433. Salaries increased. St. 1906, 433 § 1. (See 1907, 446.)

An act relative to shade trees on state highways. St. 1905, 279.

Provision for expenses. St. 1902, 246; 1903, 280; 1904, 244.

SECTS. 1, 2. Provisions for registering and licensing automobiles, etc. St. 1903, 473; 1905, 311, 366. And for rules and regulations concerning use and operation of same. St. 1906, 353, 412; 1907, 203, 408, 494, 580. (See 1902, 315; 1906, 433 § 1.)

SECT. 3. See St. 1906, 433 § 4.

SECT. 6 amended. St. 1904, 108 § 1. (See 1904, 117, 317, 443.)

SECTS. 9, 13. See St. 1905, 266.

SECT. 10. Towns and cities may contribute toward expense of construction. St. 1904, 125.

SECT. 11. See St. 1905, 279.

SECT. 16. See St. 1903, 280 § 2; 1904, 244 § 1.

SECT. 21. See St. 1905, 279; 1906, 463 III § 72.

Chapter 48.—Of the Laying Out and Discontinuance of Ways and of Damages caused by the Taking of Land for Public Uses.

Provision for laying out, etc., of ways in towns by a board of survey St. 1907, 191. And for maintenance by neighboring cities or towns. St. 1907, 196.

An act relative to damages for the taking of property by right of eminent domain. St. 1904, 317. The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443; 1905, 390.

SECTS. 1-5. See St. 1890, 320 § 19; 1906, 260; 1907, 191.

SECT. 12. See St. 1907, 191 § 4.

SECTS. 13-16. See St. 1904, 317.

SECTS. 17-19, 26. See St. 1906, 463 II § 95.

SECTS. 20, 26, 27. See St. 1905, 266.

SECT. 52 amended. Towns may be required to pay. St. 1903, 243. (See 1904, 125.)

SECT. 68 *et seq.* See St. 1904, 317.

SECT. 85. See St. 1906, 463 III § 50.

SECT. 88. Ways in Suffolk. St. 1888, 397; 1891, 323; 1892, 401, 415 § 3, 418; 1895, 494; 1896, 237; 1897, 166, 167, 319, 394; 1898, 210, 252, 298, 566; 1899, 433, 443, 450; 1900, 478; 1901, 199, 465; 1902, 521; 1906, 214, 258. (See 1898, 540 § 2; 1903, 331 § 2; 1905, 205 § 1.)

An act relative to Boston bridges. St. 1902, 224. (See 1904, 412.)

SECT. 90. See St. 1906, 463 II §§ 2, 7.

SECT. 97. See St. 1904, 117; 1906, 128.

SECT. 107 *et seq.* See St. 1904, 317.

Chapter 49.—Of Sewers, Drains and Sidewalks.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502; 1901, 168; 1902, 101, 189; 1903, 161, 242; 1905, 457; 1906, 235, 337, 338, 369, 404, 406, 457, 530; 1907, 165, 238.

As to Boston, see St. 1891, 323; 1892, 402; 1894, 227, 256; 1895, 297, 494; 1896, 237, 359; 1897, 426; 1898, 257; 1899, 450; 1900, 126, 478; 1901, 199; 1902, 521, 526; 1903, 268; 1907, 464.

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383. (See 1907, 464.)

SECT. 1. See St. 1907, 191 § 4.

SECT. 2. See St. 1904, 317, 443; 1905, 266, 390.

SECT. 15 amended. St. 1907, 177.

SECT. 24 amended. St. 1907, 365.

SECT. 30. See St. 1903, 383 § 1.

Chapter 50.—Of Betterments and Other Assessments on Account of the Cost of Public Improvements.

Provision for ascertainment of liens on real estate in cities St. 1907, 378.

As to assessments in Boston, see St. 1902, 521 § 1, 527; 1903, 235.

SECT. 1. See St. 1904, 443 § 23; 1906, 463 III §§ 67-69.

SECT. 3. See St. 1904, 317.

SECT. 11 revised. St. 1902, 503.

Chapter 51.—Of the Repair of Ways and Bridges.

Act relative to the maintenance of highways by neighboring cities or towns. St. 1907, 196.

Provision for paving private passageways in certain cities. St. 1894, 119; 1907, 256.

SECT. 18. See St. 1905, 266.

SECT. 20. See St. 1907, 204.

Chapter 52. — Of Regulations and By-Laws relative to Ways and Bridges.

Advertising signs restricted in streets of Boston. St. 1895, 352; 1897, 413 § 6. Licenses for street stands in Boston. St. 1907, 584.

Provisions for regulating use and operation of automobiles and motor vehicles on highways. St. 1903, 473 §§ 3-11; 1905, 311, 366; 1906, 353, 412; 1907, 203, 408, 494, 580. (See 1902, 315.)

SECT. 1. See St. 1906, 324.

SECT. 5. See St. 1902, 205.

SECTS. 7, 8. Hospital ambulances shall have right of way in streets. St. 1904, 161.

Chapter 53. — Of the Boundaries of Highways and Other Public Places and Encroachments thereon.

SECT. 12. See St. 1902, 57; 1904, 409; 1905, 381; 1906, 268.

SECT. 14 repealed. St. 1907, 475 § 10.

Chapter 54. — Of the Law of the Road.

Provisions for regulating use and operation of motor vehicles. St. 1903, 473 §§ 3-11; 1905, 311, 366; 1906, 353, 412; 1907, 203, 408, 494, 580. (See 1902, 315.)

Rights of way. Troops. St. 1905, 465 § 149. Hospital ambulance. St. 1904, 161.

Chapter 56. — Of the Regulation of Trade and the Inspection and Sale of Food.

Baking powders to be labelled with names of ingredients. St. 1902, 540.

Act to regulate lease and sale of machinery, tools, implements and appliances. St. 1907, 469.

An act relative to wood alcohol. St. 1905, 220.

Misrepresentations as to merchandise for sale are made punishable. St. 1902, 397. (See 1903, 415.)

SECTS. 3, 4 repealed. Office of inspector general of fish abolished, and powers and duties transferred to commissioners on fisheries and game. St. 1902, 138.

SECT. 5 repealed. St. 1903, 196 § 1.

SECT. 48 amended. Penalty changed. St. 1903, 361.

SECTS. 53, 55. See St. 1906, 116 §§ 1, 2.

SECT. 56 *et seq.* Standard established for cream. St. 1907, 216.

SECT. 59. See St. 1906, 116 § 3, 323.

SECT. 65 *et seq.* Name of station changed to Massachusetts Agricultural Experiment Station. St. 1907, 66.

SECT. 70. See St. 1907, 243.

SECT. 73 limited. St. 1907, 293.

Chapter 57.—Of the Inspection and Sale of Various Articles.

Provision for penalty for giving false weight or measure. St. 1907, 394.

Baking powders to be labelled with names of ingredients. St. 1902, 540.

SECT. 11 *et seq.* Regulations for sale of concentrated feed stuffs. St. 1903, 122 §§ 1-10; 1904, 332 § 1.

SECT. 12. Name of station changed. St. 1907, 66.

SECT. 18. See St. 1907, 289.

SECT. 20 superseded. St. 1903, 122 § 11.

SECT. 24 revised. St. 1903, 408 §§ 1-3; 1905, 209.

SECTS. 31, 39, 46, 60, 63, 91. See St. 1907, 394.

SECT. 39. Inspection and weighing to be made when required by vendee at the time. St. 1902, 459.

SECT. 83. A woman or a non-resident may be appointed a weigher of coal. St. 1902, 159, 453 § 1.

SECT. 84 revised. St. 1907, 228 § 1.

SECT. 84 *et seq.* License required for dealer in coal or coke. St. 1903, 484.

SECT. 85 repealed. St. 1907, 228 § 2.

SECTS. 88, 89, 91 amended. St. 1902, 453 §§ 2, 3, 4.

Chapter 58.—Of the Inspection of Gas and Gas Meters.

SECT. 1. Powers and duties of inspector transferred to board of gas and electric light commissioners. St. 1902, 228 § 1. (See 1906, 422.)

SECTS. 1, 2, 3, 4, 5, 6, 7. Repeal and substitute. St. 1902, 228; 1907, 54.

SECT. 14 amended. St. 1903, 464 § 1. (See 1902, 228 § 3.)

Chapter 60.—Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.

SECT. 4 amended. St. 1902, 477 § 1.

SECT. 7 amended. St. 1902, 477 § 2.

SECTS. 9, 10, 11 repealed. St. 1902, 477 § 3.

Chapter 62.—Of Weights and Measures.

The provisions of this chapter are extended to weights, balances, etc., having a device to indicate price as well as weight. St. 1907, 535.

Act relative to the penalty for giving false weight or measure. St. 1907, 394.

SECTS. 2, 3. See St. 1903, 408 § 1.

SECT. 3. Barrel of sweet potatoes 150 pounds. St. 1902, 115.

SECTS. 8-11 in part superseded and a state commission established. St. 1907, 534. (See 1902, 457.)

SECT. 17 amended. Provision charging expense to counties, cities and towns omitted. St. 1902, 539.

SECT. 20 revised. St. 1907, 283, 534 § 3.

SECT. 21. See St. 1903, 408 § 2.

SECT. 29 *et seq.* Sealers to report to state commissioner. St. 1907, 534 § 5.

SECT. 33 revised. St. 1906, 215. (See 1907, 394.)

SECT. 43. Act relative to sealing glass bottles or jars. St. 1906, 323.

Chapter 63. — Of the Metric System of Weights and Measures.

SECTS. 3, 4 superseded. St. 1907, 534 §§ 3, 4. (See 1907, 535.)

Chapter 64. — Of Auctioneers.

SECT. 6 *et seq.* Auction sales of horses in Boston restricted. St. 1904, 336; 1905, 426. And of certain lame or diseased horses. St. 1906, 185 §§ 1, 3.

Chapter 65. — Of Itinerant Vendors, Hawkers and Pedlers.

SECT. 9 amended. St. 1902, 544 § 9.

SECT. 15 revised. St. 1906, 345. (See 1905, 377.)

SECT. 17 amended. St. 1902, 531; 1906, 151.

SECT. 19 revised. St. 1907, 571 § 1. (See 1905, 204.)

SECT. 21 repealed. St. 1907, 571 § 2. (See 1903, 432.)

Chapter 66. — Of Shipping and Seamen, Harbors and Harbor Masters.

Lines and regulations in certain harbors: Boston, St. 1882, 48; 1891, 309; 1892, 358 § 2; 1897, 486; 1898, 278; 1899, 469; 1901, 196. Buzzard's Bay, 1898, 169. Charles River, 1897, 479; 1901, 245, 401. (See 1903, 465.) Chelsea, 1887, 344. Gloucester, 1882, 103; 1883, 109; 1885, 315; 1895, 106. Haverhill, 1883, 104; 1902, 313; 1905, 327. New Bedford, 1901, 243; 1903, 363.

SECT. 17. Provision for supervision of transportation and dumping of materials in tide waters. St. 1907, 229.

SECT. 19. As to Boston, see St. 1889, 147.

Chapter 67. — Of Pilots and Pilotage.

Fees established: Cohasset, St. 1887, 298. Salem and Beverly, 1887, 204. Winthrop, 1892, 114. Woods Hole, 1889, 275.

SECT. 17. See St. 1907, 490.

Chapter 68. — Of Agents, Consignees and Factors.

SECTS. 2-4. Provision for dissolution of lien. St. 1907, 490.

SECT. 6. See St. 1905, 324.

Chapter 69. — Of Public Warehouses.

Act to make uniform the law of warehouse receipts. St. 1907, 582.

Provision for dissolution of lien. St. 1907, 490. (See 1907, 582 § 34.)

Chapter 70.—Of Common Carriers and Express Companies.

Act relative to trustee process against common carriers. St. 1905, 324.

Act to grant to the board of railroad commissioners supervisory powers over express companies. St. 1906, 266.

Acts relative to taking of deposits for transmitting to foreign countries. St. 1905, 428; 1906, 408; 1907, 377.

Chapter 71.—Of Limited Partnerships.

SECT. 3. Names to be recorded in city or town clerk's office in certain cases. St. 1907, 539.

Chapter 72.—Of the Use of Labels, Trade-Marks and Names.

Provision as to labels on baking powders. St. 1902, 540. Drugs and patent foods. St. 1906, 386; 1907, 259.

SECT. 5. Names to be recorded in certain cases. St. 1907, 539.

SECTS. 7, 8. Certain insignia, badges, etc., may be registered, and the unauthorized use thereof is prohibited. St. 1904, 335; 1907, 232 § 3. (See 1902, 430; 1903, 275.)

SECTS. 19-22. An act to prohibit misuse of vessels used in sale of milk. St. 1906, 116.

Chapter 73.—Of Money and Negotiable Instruments.

SECT. 7 amended. St. 1905, 454 § 1.

SECT. 8 amended. St. 1905, 454 § 2.

SECTS. 88, 92, 102, 103. See St. 1907, 204.

Chapter 75.—Of the Preservation of the Public Health.

Act to provide for the establishment of health districts and the appointment of inspectors of health. St. 1907, 537.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406, 488; 1897, 80, 81, 83, 88, 502; 1899, 342; 1900, 108; 1901, 168, 498; 1902, 101, 189, 391, 535; 1903, 161, 242, 356; 1904, 186, 230, 246, 273, 317, 426, 431; 1905, 457; 1906, 189, 235, 337, 338, 369, 404, 406, 457, 530; 1907, 165, 238, 349, 524. Board of health shall publish in report and may publish in newspapers analyses and information as to adulterations. St. 1902, 272. (See 1902, 230.)

Board shall define what diseases are deemed dangerous to the public health. St. 1907, 183.

Provision for appointment of school physicians. St. 1906, 502.

Provision for suppressing insect pests. St. 1902, 57; 1905, 381; 1906, 268. For paving private passageways in certain cities. St. 1907, 256.

Act to establish a standard for cream. St. 1907, 216.

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

Act to establish a board of registration in embalming. St. 1905, 473.

Provision for hospital for lepers. St. 1905, 474.

Act relative to wood alcohol. St. 1905, 220.

SECT. 3. Salary changed. St. 1906, 425; 1907, 364.

SECT. 4 amended. St. 1903, 480. (See 1905, 344; 1906, 386 § 6; 1907, 183, 285.)

SECTS. 4, 5. Powers and duties of inspector and assayer of liquors transferred to board of health. St. 1902, 110. (See 1902, 541; 1906, 502 § 6; 1907, 499, 537.)

SECT. 6 amended. Amount increased. St. 1903, 467; 1907, 208.

SECT. 8. See St. 1904, 395 § 1.

SECT. 10. See St. 1906, 502.

SECT. 16 amended. St. 1903, 367 § 1.

SECT. 16 *et seq.* Giving away harmful medicines, drugs, etc., prohibited. St. 1907, 180.

SECTS. 18, 19. Baking powders to be labelled. St. 1902, 540 § 1. Also certain patent or proprietary drugs and food. St. 1906, 386; 1907, 259.

SECT. 24 amended. St. 1905, 236; 1906, 305.

SECTS. 25, 26. Innocent employees not to be punished for sales. St. 1903, 367 § 1. (See 1906, 386 § 6.)

SECT. 34 revised. St. 1902, 403.

SECT. 35 *et seq.* Provision for three state sanatoriums for tubercular patients. St. 1907, 474.

SECTS. 35-42 revised. St. 1906, 365 § 1. (See 1902, 206; 1906, 225, 365 § 4; 1907, 183.)

SECT. 36 amended. St. 1907, 445.

SECT. 46 revised. St. 1906, 365 § 2. (See 1902, 206 § 2.)

SECTS. 47, 52. See St. 1904, 395 § 1.

SECTS. 49, 50 amended. St. 1905, 251; 1907, 480 § 1.

SECT. 52 amended. St. 1907, 480 § 1.

SECT. 56 revised. St. 1906, 365 § 3.

SECT. 57 revised. St. 1902, 213; 1907, 386. (See 1904, 395 § 2; 1907, 183.)

SECT. 63. See St. 1905, 330.

SECT. 65 *et seq.* Spitting in certain public places and conveyances prohibited. St. 1906, 165; 1907, 410.

SECT. 79. See St. 1903, 383.

SECT. 81. See St. 1905, 266.

SECT. 90 amended. Expense of purifying, and value of articles destroyed may be charged to city or town. St. 1903, 306 § 1.

SECTS. 103, 104 repealed. St. 1902, 312 § 1. Two new sections, 103, 104, added, relative to marking carcasses and inspection of domestic animals. St. 1903, 220 § 1.

SECT. 100 affected. St. 1907, 243.

SECT. 105 amended. St. 1902, 312 § 2; 1903, 220 § 2.

SECT. 112 *et seq.* See St. 1902, 541; 1906, 158, § 1.

SECT. 113 amended. St. 1907, 467.

SECT. 118. See St. 1905, 266; 1906, 158 § 1.

SECT. 137 revised. St. 1902, 190 § 1.

SECT. 139 revised. St. 1902, 190 § 2, 544 § 10.

Chapter 76.—Of the Registration of Physicians, Surgeons, Pharmacists and Dentists.

Provision for registration of veterinary practitioners and board of registration established. St. 1903, 249; 1906, 503; 1907, 314. For registration of embalmers. St. 1905, 473.

Salaries and allowance for travel fixed. St. 1902, 505; 1903, 228, 249 § 1; 1907, 399.

SECTS. 4, 12, 27 repealed. St. 1902, 505 § 6.

SECT. 9. See St. 1903, 249 § 9; 1907, 314 § 2.

SECT. 14 amended. St. 1906, 120.

SECT. 16 amended. St. 1907, 140. (See 1902, 327; 1906, 281; 1907, 308.)

SECT. 17 amended. St. 1902, 321.

SECT. 23 added to. St. 1902, 327. (See 1906, 281; 1907, 180.)

SECTS. 24-28 limited. St. 1903, 219.

SECT. 28 amended. St. 1905, 289 § 1.

SECT. 29 amended. St. 1903, 219; 1905, 289 § 2.

Chapter 77.—Of the Promotion of Anatomical Science.

Act to establish a board of registration of embalmers. St. 1905, 473.

SECT. 4 amended. St. 1904, 204.

SECT. 5 (new section) added relative to autopsies. St. 1902, 417.

Chapter 78.—Of Cemeteries and Burials.

Cities and towns may appropriate money for care of neglected burial grounds. St. 1902, 389.

SECTS. 3, 4. See St. 1907, 225.

SECT. 9. See St. 1907, 138.

SECT. 19 revised. St. 1904, 422 § 1.

SECT. 20 amended. St. 1904, 422 § 2.

SECT. 37 revised. St. 1907, 138.

SECT. 44. See St. 1905, 473.

Chapter 79.—Of State and Military Aid and Soldiers' Relief.

This chapter is revised. St. 1902, 192; 1903, 420; 1904, 381; 1907, 43, 354. (See 1902, 216, 250, 251, 292.) Act to provide for payment of bounties to certain veterans of the civil war. St. 1904, 458. (See 186 Mass. 604.)

SECT. 3. See St. 1902, 251; 1903, 387; 1904, 381 § 3.

SECTS. 18, 20, 21. See St. 1902, 250; 1904, 381 §§ 17, 18.

SECT. 20 extended. St. 1902, 292; 1904, 381 § 17.

Chapter 81.—Of the Support of Paupers by Cities and Towns.

Massachusetts commission for the blind may provide temporary support in certain cases. St. 1906, 385 § 6.

SECT. 2. See St. 1905, 162.

SECT. 4 amended. St. 1905, 285.

SECT. 5 amended. St. 1905, 303 § 1.

SECT. 7 amended. St. 1905, 303 § 2.

SECT. 17. Act relative to care of indigent and neglected children. St. 1904, 356. (See 1906, 389, 489; 1907, 137, 158, 195, 411.)

SECT. 17 *et seq.* See St. 1905, 354.

SECT. 21 amended to provide for case of refusal to submit to removal. St. 1903, 355 § 1. (See 1903, 233.)

SECT. 22. Cities and towns shall require tramps and vagrants lodged to perform labor. St. 1905, 344. (See 1904, 274; 1905, 348.)

SECT. 25. See St. 1902, 206, 213; 1905, 330.

SECTS. 26-28. See St. 1905, 464.

SECT. 41 revised. St. 1905, 115.

Chapter 82.—Of the Maintenance of Bastard Children.

SECT. 1 amended. St. 1904, 159.

SECT. 12 amended. St. 1905, 345.

Chapter 83.—Of the Protection of Infants and the Care of Pauper Children.

Act to establish the Massachusetts commission for the blind. St. 1906, 385; 1907, 173.

Act to establish a school for the feeble-minded. St. 1906, 508; 1907, 421. (See 1906, 359; 1907, 489.)

The Massachusetts school and home for crippled and deformed children is established. St. 1904, 446; 1905, 128; 1907, 226.

Provision for care of indigent and neglected children. St. 1903, 334; 1904, 356; 1906, 489, 499, 501. (See 1907, 158, 195.)

SECT. 10 amended. St. 1905, 269.

SECT. 20 *et seq.* Protection of minors in religious belief of their parents. St. 1905, 464.

SECT. 25 *et seq.* See St. 1906, 413 §§ 5, 8, 14.

SECT. 29. See St. 1903, 333.

SECT. 37 revised. St. 1903, 334 §§ 1-5, 7; 1906, 489. (See 1904, 356; 1907, 195.)

SECT. 38 revised. St. 1903, 334 §§ 6, 7. (See 1904, 356; 1907, 195.)

Chapter 84.—Of the State Board of Charity.

Inmates of institutions under supervision of state board of charity may correspond with the board. St. 1906, 341.

Act to establish the Massachusetts commission for the blind. St. 1906, 385; 1907, 173.

Provision for hospital for lepers. St. 1905, 474.

SECT. 2 *et seq.* Powers and duties of the board. St. 1903, 231, 233, 402; 1904, 395, 446 § 12; 1905, 162, 474; 1906, 341, 413 §§ 4, 5, 8, 14; 1907, 222 § 2, 271. (See 1904, 356, § 3; 1905, 128, 211 § 11.)

SECT. 7 amended. St. 1905, 211 § 11.

SECT. 8 *et seq.* The board may provide for care of persons infected with diseases dangerous to the public health. St. 1904, 395.

SECT. 11 amended. St. 1903, 231 § 1. (See 1903, 233.)

SECT. 14 amended. St. 1903, 402 § 1.

Chapter 85.—Of the State Hospital and the State Farm.

Provision for three sanatoriums for tubercular patients. St. 1907, 474.

Inmates may correspond with board of charity. St. 1906, 341.

Provision for hospital for lepers. St. 1905, 474.

SECT. 6. Certain advances authorized. St. 1907, 466.

SECT. 10 amended. St. 1903, 233.

SECT. 28. See St. 1907, 466.

SECT. 33 amended. St. 1903, 188.

SECT. 39 amended. St. 1904, 216.

SECT. 42. See St. 1906, 324.

Chapter 86.—Of the Lyman School for Boys, the Industrial School for Girls, and the Reformation of Juvenile Offenders.

Inmates may correspond with board of charity. St. 1906, 341.

Act to provide for the commitment of habitual truants, absentees and school offenders. St. 1906, 389. (See 1907, 158, 195.)

Act relative to delinquent children. St. 1906, 413.

Act to establish the Boston juvenile court. St. 1906, 489; 1907, 137, 411. (See 1906, 499.)

SECT. 1. See St. 1906, 407.

Reform school for Boston. St. 1901, 359.

SECT. 6. See St. 1907, 224.

SECT. 10 *et seq.* See St. 1905, 464; 1906, 413.

Act relative to arrest of escaped inmates. St. 1907, 362.

SECT. 13. State commission on industrial education established. St. 1906, 505.

SECT. 15. See St. 1906, 489.

SECT. 18. See St. 1906, 413 §§ 3, 5.

SECT. 20 amended. St. 1902, 314.

SECT. 21 *et seq.* See St. 1906, 413.

SECT. 31 amended. St. 1904, 459 § 6.

SECT. 36 amended. St. 1904, 363 § 2. (See 1905, 464.)

SECT. 49 *et seq.* See St. 1906, 413 §§ 5, 8, 14; 1907, 271.

Chapter 87.—Of the State Board of Insanity and Institutions for the Insane.

Massachusetts school and home for crippled and deformed children. St. 1904, 446; 1905, 128. Name changed. St. 1907, 226.

State board may agree with a city or town for care of chronic and quiet insane persons. St. 1903, 400 § 1.

SECT. 1 *et seq.* See St. 1905, 211 § 1.

SECT. 4 amended. St. 1906, 184.

SECT. 6. See St. 1903, 400; 1906, 508 § 8.

- SECT. 6 *et seq.* Certain hospitals must keep records. St. 1905, 330.
- SECT. 16. Northampton state hospital. St. 1906, 313 § 1.
- SECT. 22. Number of trustees increased. St. 1902, 542. (See 1905, 400.)
- SECT. 23. See St. 1904, 446 § 3; 1905, 175 § 3; 1907, 474 § 4.
- SECT. 25. See St. 1904, 347.
- SECT. 33 amended. St. 1904, 459 § 1; 1905, 447.
- SECT. 35 amended. St. 1906, 418 § 1.
- SECT. 39 revised. St. 1905, 436 § 1.
- SECT. 47 amended. St. 1904, 459 § 2.
- SECT. 48 amended. St. 1904, 459 § 3.
- SECT. 49 amended. St. 1905, 475; 1906, 471. (See 1904, 278.)
- SECTS. 49, 50. See St. 1903, 321.
- SECT. 53 revised. St. 1905, 432 § 1.
- SECT. 54 revised. St. 1905, 432 § 2.
- SECT. 59. Name changed. St. 1905, 400.
- SECT. 59. Provision for voluntary patients. St. 1906, 316.
- SECT. 66 amended. St. 1906, 352; 1907, 432.
- SECTS. 66-68. Age fixed at ten years. St. 1907, 432.
- SECT. 73 amended. St. 1904, 459 § 4.
- SECTS. 76, 77. Provision for recovery of expenses. St. 1905, 354.
- SECT. 79. See St. 1906, 508 § 17; 1907, 474, § 10.
- SECT. 81. Repeal and substitute. St. 1905, 282.
- SECT. 87. See St. 1903, 400; 1904, 278.
- SECT. 95 revised. St. 1905, 435.
- SECT. 102 revised. St. 1905, 458 § 1. (See 1903, 400.)
- SECT. 103 revised. St. 1905, 458 § 2.
- SECT. 104 revised. St. 1905, 458 § 3.
- SECT. 105 revised. St. 1905, 458 § 4.
- SECT. 109. See St. 1903, 400.
- SECTS. 113-123. Act to establish a school for the feeble-minded. St. 1906, 508. (See 1906, 309; 1907, 421.)
- SECT. 115 *et seq.* See St. 1905, 464; 1906, 309; 1907, 489.
- SECT. 118 amended. St. 1904, 459 § 5.
- SECTS. 127-129 repealed and new provisions made for appropriations and accounts. St. 1905, 175. (See 1905, 211 § 1, 400.)

Chapter 88. — Of the Massachusetts State Sanatorium.

- Provision for three sanatoriums for tubercular patients. St. 1907, 474.
- SECT. 1. Number of trustees increased; two to be women. St. 1905, 159. (See 1907, 271, 474 § 15.)
- SECT. 3. See St. 1905, 175 § 3.
- SECT. 4. See St. 1907, 222 § 1.

Chapter 89. — Of the State Board of Agriculture and the Dairy Bureau.

- One hundred and twenty-five free scholarships are established at the Massachusetts agricultural college. St. 1904, 414 § 1.
- Cattle bureau established with powers and duties of board of cattle commissioners. St. 1902, 116 §§ 2, 3.

State nursery inspectorship established and provision for protection of trees, etc., from injurious insects and diseases. St. 1902, 495; 1907, 321. (See 1902, 57; 1905, 381.)

Office of state forester established and duties prescribed. St. 1904, 409; 1905, 211; 1907, 473. (See 1907, 475.)

SECT. 1 amended. St. 1902, 116 § 4.

SECT. 4. See St. 1904, 444 §§ 2, 3.

SECT. 5 amended. St. 1905, 155; 1907, 401.

SECT. 8. See St. 1905, 211 § 1; 1907, 289.

SECT. 10. Provision for instruction in agriculture. St. 1906, 505 § 7.

Chapter 90. — Of the Board of Cattle Commissioners and of Contagious Diseases of Domestic Animals.

Board of cattle commissioners abolished and powers and duties transferred to cattle bureau of state board of agriculture. St. 1902, 116. (See 1903, 249; 1904, 414 § 2.)

SECT. 3. See St. 1905, 211 § 1.

SECT. 4 *et seq.* See St. 1903, 220 § 1.

SECT. 26. See St. 1905, 266.

SECT. 31. Tuberculin tests to be without charge to citizens. St. 1903, 322.

Chapter 91. — Of Fisheries.

Provision for protection of property, etc., used by commissioners on fisheries and game. St. 1906, 327.

Powers and duties of inspector general of fish transferred to the commissioners on fisheries and game. St. 1902, 138. Commissioners may investigate questions relating to fish and game. St. 1902, 178. (See 1903, 291; 1907, 504.) Duties with respect to fires. St. 1907, 299.

Fishing regulated in various places: Barnstable; St. 1907, 301. Barnstable county; 1884, 264; 1887, 120; 1892, 196; 1901, 184; 1903, 298. Bass river; 1894, 134. Berkshire; 1888, 276; 1890, 193; 1895, 199; 1902, 137, 544 § 11. (See 1906, 314.) Boston harbor; 1894, 189. Bourne; 1899, 194. Brimfield; 1895, 411. Bristol; 1882, 189; 1891, 198. Buzzard's bay; 1884, 214 § 2; 1886, 192; 1891, 237; 1893, 205, 255. Charles river; 1894, 189. Cottage City; 1905, 281 § 1. Dartmouth; 1906, 477. Dennis; 1895, 203. Dukes; 1884, 245; 1886, 234; 1891, 198. Eastham; 1893, 77; 1904, 269; 1905, 265. Edgartown; 1886, 234; 1891, 52; 1897, 181; 1903, 216; 1904, 301; 1905, 281. (See 1904, 319.) Franklin, Hampden and Hampshire; 1890, 193; 1902, 137. (See 1906, 314.) Haverhill; 1894, 296. Hingham; 1894, 189. Ipswich; 1897, 289. (See 1902, 164.) Marion; 1892, 188; 1893, 255; 1902, 94. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196; 1903, 298; 1907, 301. Mattapoisett; 1884, 214; 1890, 229; 1892, 186. Merrimac river; 1882, 166; 1883, 31, 121; 1884, 317; 1895, 88; 1897, 110. (See 1902, 164.) Mystic river; 1894, 189. Nantucket; 1891, 128; 1904, 232. Neponset river; 1894, 189. Norwell and Pembroke; 1889, 292; 1890, 336. Orleans; 1904, 118, 269; 1905, 265. (See 1901, 163.) Plum Island bay; 1887, 105; 1890, 30; 1900, 159. (See 1902, 164.)

Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. Podonk pond; 1900, 234. Quinsigamond lake; 1896, 259; 1901, 158; 1905, 429. Rehoboth and Swansea; see 1904, 132. Randolph; 1889, 78. Rowley; 1897, 289. Sandwich; see 1904, 321. Scituate; 1889, 292; 1890, 336. Tisbury; 1902, 188; 1903, 201. Webster; 1896, 110. Weir river; 1894, 189. Wellfleet; 1891, 135; 1904, 269. Westport river; 1907, 298. (See 1887, 193; 1891, 137.) Weymouth river; 1894, 189.

SECT. 3 amended. St. 1905, 407.

SECT. 3 *et seq.* A commissioner or deputy with a warrant may search certain premises for violation of fish or game laws. St. 1904, 367 § 1; 1906, 179 § 2. (See 1902, 178; 1905, 317; 1907, 198, 299.)

SECT. 7 revised. St. 1902, 164.

SECT. 8 amended. St. 1906, 356 § 1. Persons aggrieved by order may appeal to superior court. St. 1906, 356 § 2.

SECT. 9 amended. St. 1904, 365.

SECT. 15 *et seq.* Provision as to sale or lease of certain islands in great ponds. St. 1904, 379.

SECT. 19 amended. Ponds may be restocked and time extended. St. 1903, 274; 1907, 306.

SECT. 26 revised. St. 1904, 308; 1906, 239. (See 1903, 294; 1904, 118.)

SECTS. 36, 42. See St. 1904, 132.

SECT. 52. See St. 1904, 118.

SECT. 54. See St. 1904, 319.

SECT. 57 *et seq.* Killing and transportation of pike-perch restricted. St. 1906, 179.

SECT. 62 amended. St. 1906, 314 § 1.

SECT. 63 amended. St. 1902, 137; 1906, 314 § 2.

SECT. 63 *et seq.* Act to prohibit for three years sale of all trout except those artificially reared. St. 1903, 205. Extended. St. 1906, 263.

SECT. 64 amended. St. 1902, 544 § 11; 1905, 190.

SECT. 66 amended. St. 1907, 296.

SECT. 67 amended. St. 1904, 329.

SECT. 68 repealed and new provisions made. St. 1905, 417. (See 1904, 364.)

SECT. 69 repealed. St. 1904, 223.

SECTS. 81, 82. See St. 1906, 239.

SECT. 81 amended. St. 1904, 116 § 1; 1905, 81.

SECT. 83 *et seq.* Act relative to propagation and cultivation of shellfish. St. 1904, 282. (See 1906, 477.) Act for protection of seed scallops. St. 1907; 297.

SECT. 84 amended. St. 1906, 288.

SECT. 85 limited. St. 1903, 216 § 6; 1904, 269 § 6; 1905, 265 § 1; 1906, 477 § 7.

SECT. 86 *et seq.* Provision for protection of lobsters with eggs attached. St. 1904, 408 § 1.

SECT. 88 amended. St. 1907, 303.

SECT. 101. See St. 1906, 477.

SECTS. 113, 114 affected. St. 1907, 285.

SECT. 116. See St. 1904, 118.

SECT. 122 *et seq.* See St. 1906, 239.

SECT. 127 in part repealed. St. 1904, 301 § 2. Amended. St. 1905, 281 § 1. (See 1904, 301 § 1.)

SECT. 128 revised. St. 1907, 298, § 1.

SECT. 129 repealed. St. 1907, 298 § 2.

SECT. 132. See St. 1906, 239 § 2.

SECT. 133 revised. St. 1903, 246.

SECT. 134 extended. St. 1904, 282 § 2.

SECT. 137. See St. 1907, 300.

Chapter 92.—Of the Preservation of Certain Birds and Animals.

Act to prevent holding in captivity insectivorous and song birds. St. 1902, 127; 1907, 250 § 2. (See 1903, 287.)

Sale, etc., of prairie chickens prohibited. St. 1906, 304.

Unnaturalized foreign-born persons and non-residents prohibited from hunting unless licensed. St. 1905, 317; 1907, 198.

Shooting, etc., restricted in various places: Dukes; St. 1905, 273; 1907, 264. Nantucket; 1902, 85; 1905, 122; 1906, 292. (See 1902, 165; 1904, 366; 1905, 406; 1906, 303; 1907, 161.)

SECT. 1 amended. St. 1904, 176.

SECT. 2 amended. St. 1903, 206.

SECTS. 2-5. See St. 1902, 127; 1907, 118, 250 § 2, 264.

SECT. 3 superseded. St. 1906, 303. (See 1902, 85, 165; 1904, 366; 1905, 122, 273, 406; 1906, 292, 303 § 1, 482; 1907, 161.)

SECT. 4 repealed. St. 1906, 301 § 2. Act relative to ducks and teal. St. 1906, 301. Heath hens. St. 1906, 141. Wood or summer duck. St. 1906, 274.

SECT. 5 amended. St. 1903, 162; 1905, 414; 1907, 99. (See 1903, 244 § 1; 329.)

SECT. 6 revised. St. 1904, 369.

SECT. 7 amended. St. 1903, 287; 1907, 250 § 1. Loons and eagles protected. St. 1907, 118.

SECT. 8 amended. St. 1903, 329 § 1.

SECT. 9 amended. St. 1907, 166. (See 1904, 366 § 1; 1907, 161.)

SECT. 11 amended. St. 1906, 241. (See 1905, 273.)

SECT. 12 amended. St. 1906, 278.

SECT. 13. See St. 1906, 292; 1907, 264.

SECT. 16 amended. St. 1905, 73; 1906, 482.

SECT. 17 revised. St. 1907, 307. (See 1903, 245; 1905, 419.)

SECT. 18 revised. St. 1905, 245. (See 1902, 154.)

SECT. 20 amended. St. 1905, 445; 1907, 300.

SECT. 22 revised. St. 1902, 236.

SECT. 23. Provision for bounties for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. And for damages caused by wild deer. St. 1903, 407.

Chapter 94.—Of Lost Goods and Stray Beasts.

SECT. 2. See St. 1907, 363.

SECT. 6. See St. 1906, 185 § 3.

Chapter 95. — Of Unclaimed or Abandoned Property.

SECT. 8. Provision for disposition of such property in possession of metropolitan park officer. St. 1904, 170.

SECT. 13 extended. St. 1907, 363. (See 1906, 185.)

Chapter 96. — Of the Board of Harbor and Land Commissioners.

Act to provide for supervising transportation and dumping of material in tide waters. St. 1907, 229.

SECT. 2. See St. 1905, 211 § 1.

SECT. 3. See St. 1904, 379.

SECT. 8. See St. 1902, 224, 425; 1904, 273; 1907, 229 § 1.

SECT. 9. See St. 1903, 150 § 1.

SECT. 14. See St. 1906, 145.

SECT. 17. See St. 1907, 229.

Chapter 98. — Of the Observance of the Lord's Day.

Act to provide for one day's rest in seven. St. 1907, 577.

SECTS. 1, 2 revised. St. 1904, 460 §§ 1, 2. (See 1904, 176; 1907, 204.)

SECT. 3. Sale of ice-cream, soda-water and confectionery permitted in certain cases. St. 1902, 414.

SECT. 5 revised. St. 1904, 460 § 3.

Chapter 99. — Of Gaming.

Club charter may be revoked in case of seizure of gaming implements on premises. St. 1902, 254.

Act to prohibit bucketing and bucket shopping and to abolish bucket shops. St. 1907, 414.

Chapter 100. — Of Intoxicating Liquors.

Licensing board for Boston. St. 1906, 291. (See 1907, 214.)

Act relative to wood alcohol. St. 1905, 220.

Act relative to storage of liquors by persons holding fourth or fifth class licenses. St. 1905, 284.

SECT. 1 amended as to sale of cider and wine. St. 1903, 460.

SECT. 10 *et seq.* Provisions for Boston. St. 1902, 485; 1906, 291 § 4, 395.

SECT. 15 amended. St. 1906, 287 § 1.

SECT. 17, cl. 2 revised, subject to acceptance by voters of Boston. St. 1906, 395. (See 1906, 386 § 1.)

SECTS. 17, 18. Fourth and fifth classes. Storage. St. 1905, 284.

SECT. 20 revised. St. 1902, 171. Amended. St. 1905, 206.

SECT. 21 amended. St. 1907, 190.

SECT. 22 *et seq.* See St. 1902, 327; 1906, 281.

SECT. 23 amended. St. 1907, 308.

SECT. 26. See St. 1907, 190.

SECT. 33 repealed. St. 1903, 461 § 1.

SECT. 34 revised. St. 1906, 374 § 1.

SECT. 35 amended. St. 1906, 104 § 1.

SECTS. 48-50. Provision for registration and permits for carriers of intoxicating liquors in certain cases. St. 1906, 421 ; 1907, 517 § 2.

SECT. 49 amended. St. 1907, 517 § 1.

SECT. 62. Gift or sale to a patient in dipsomaniac hospital is punishable. St. 1903, 410.

SECT. 67. Office of inspector and assayer abolished and powers and duties transferred to state board of health. St. 1902, 110.

SECT. 86 amended. St. 1904, 122.

SECT. 88. See St. 1902, 485 § 4. Club charter may be revoked in certain cases. St. 1902, 524.

SECT. 89. See St. 1902, 524 ; 1906, 291 § 4.

Chapter 101.—Of Common Nuisances.

Spitting in certain public places and conveyances prohibited. St. 1906, 165 ; 1907, 410.

Obstruction of means of egress from buildings declared a common nuisance. St. 1905, 347 § 1.

Certain nuisances in Boston. St. 1893, 342 ; 1897, 185 ; 1904, 336 ; 1905, 426.

As to gypsy and brown-tail moths, see St. 1902, 57 ; 1905, 381 ; 1906, 268 ; 1907, 521.

SECT. 6. Act to prohibit bucketing and to abolish bucket shops. St. 1907, 414.

SECT. 8. See St. 1906, 291 § 10.

Chapter 102.—Of Licenses and Municipal Regulations of Police.

Provision for registration and licensing of embalmers. St. 1905, 473.

Licensing of theatres and public halls. St. 1904, 450 ; 1905, 341, 342.

Provision for license to carry loaded pistol. St. 1906, 172 § 1.

In certain cities public lodging houses must be licensed. St. 1904, 242. (See 1894, 414.)

Licenses to unnaturalized foreign-born persons and non-residents to hunt. St. 1905, 317 ; 1907, 198.

Licenses in Boston: To gas fitters. St. 1897, 265. Junk dealers. St. 1900, 416 ; 1906, 291 § 10. (See 1902, 187 § 4.) Minors to black boots, etc. St. 1902, 531. (See 1904, 450 § 2.) Pawnbrokers ; private detectives ; money lenders ; dogs. St. 1906, 291 § 10. Picnic groves ; skating rinks ; intelligence offices ; billiard, pool or sippio tables ; bowling alleys. St. 1906, 291 § 4 ; 1907, 214. Theatres and public halls. St. 1907, 463. Street stands. St. 1907, 584. (See 1906, 384 ; 1907, 500 §§ 2, 3.)

Provision for licensing operators of automobiles and motor cycles. St. 1903, 473 ; 1905, 311 ; 1906, 412 ; 1907, 203, 408, 580. (See 1902, 315 ; 1905, 366 ; 1906, 353.) And dealers in coal and coke. St. 1903, 484 ; 1906, 434.

- SECT. 2. See St. 1906, 291 § 4.
SECT. 23 *et seq.* See St. 1906, 435.
SECTS. 29, 30, 32 amended. "Junk collectors" added. St. 1902, 187 §§ 1, 2, 3. (See 1906, 291 § 4.)
SECT. 33. See St. 1906, 291 § 10.
SECT. 40 amended. St. 1905, 415.
SECT. 42 amended. St. 1907, 211. (See 1907, 500 §§ 2, 3.)
SECT. 47 *et seq.* See St. 1905, 308; 1906, 390.
SECT. 48. See St. 1906, 291 § 10.
SECT. 57 *et seq.* As to licenses in Lowell, see St. 1902, 151, 187 § 5.
SECT. 64. See St. 1905, 308; 1906, 390.
SECT. 78 amended. St. 1907, 373 § 1.
SECT. 78 *et seq.* See St. 1906, 387; 1907, 465.
SECT. 81 amended. St. 1905, 310 § 1.
SECT. 82 revised. St. 1907, 373 § 2. (See 1905, 310 § 2; 1906, 414, 521, 522.)
SECT. 84 revised. St. 1907, 373 § 3.
SECT. 85 amended. St. 1907, 373 § 4.
SECT. 86 amended. St. 1905, 310 § 3.
SECT. 89 *et seq.* Provisions for regulations as to explosives and inflammable fluids. St. 1905, 280. (See 1904, 370.)
SECT. 114. See St. 1904, 370; 1905, 280.
SECT. 122 *et seq.* As to smoke nuisance in Boston, see St. 1905, 418.
SECT. 133 in part repealed. St. 1904, 353 § 3; 1906, 291.
SECT. 138 revised. St. 1904, 105 § 1.
SECT. 141 repealed. St. 1904, 105 § 2.
SECT. 142. See St. 1906, 291 § 10.
SECT. 143 amended. St. 1907, 240 § 1.
SECT. 144 amended. St. 1907, 240 § 2.
SECT. 150 *et seq.* Provision for better protection of domestic animals from dogs. St. 1902, 226; 1904, 127.
SECT. 151 amended as to appointment of appraisers. St. 1903, 100; 1904, 283.
SECT. 152. Increase in amount of reward authorized. St. 1905, 106.
SECT. 155 amended. St. 1904, 142; 1907, 241.
SECT. 168. See St. 1906, 291 §§ 8, 10.
SECT. 172 in part repealed. St. 1904, 450 § 15. Amended. St. 1904, 460 § 4; 1905, 341; 1907, 274. (See 1904, 450 § 2; 1905, 342; 1906, 105.)
SECT. 173 amended. St. 1904, 460 § 5; 1907, 309. (See 1904, 450 § 15; 1905, 341; 1906, 105.)
SECT. 173 *et seq.* Act to prevent unauthorized performance, etc., of certain dramatic and musical compositions. St. 1904, 183.
Act relative to admission of persons under seventeen to dance halls and roller skating rinks. St. 1906, 384.
SECT. 176 amended. St. 1906, 190, 291 § 4. (See 1906, 384.)
SECT. 178. See St. 1906, 291 § 4.
SECT. 184 amended. St. 1906, 107; 1907, 355. (See 1906, 384.)
SECT. 186 amended. "Junk collectors" added. St. 1902, 187 § 4. (See 1906, 190, 291 § 4.)

Chapter 104.—Of the Inspection of Buildings.

Licensing and inspection of theatres and public halls regulated. St. 1904, 450; 1906, 105. (See 1904, 460 §§ 4, 5; 1905, 341, 342.) Acts to regulate use of cinematographs or similar apparatus. St. 1905, 176, 437.

Act to prohibit obstruction of means of egress from buildings. St. 1905, 347. Sanitary requirements for certain buildings. St. 1902, 322; 1905, 475; 1906, 250.

Act to authorize appeals to state board of health from certain requirements of the district police. St. 1907, 499. (See 1907, 537.)

Building laws for Boston. St. 1907, 550. (See 1892, 419; 1893, 170, 293, 297, 464; 1894, 257, 443; 1895, 97, 239, 280, 314; 1896, 416, 520; 1897, 175, 219, 265, 300, 310, 413; 1898, 209, 228, 308, 452; 1899, 161, 185, 222; 1900, 271, 321, 335 § 2; 1901, 474; 1902, 400; 1903, 301 § 1; 1904, 227, 333, 336, 368, 450 §§ 2, 10; 1905, 342, 383, 426; 1906, 340; 1907, 416, 463.)

SECTS. 12-15. See St. 1904, 450 §§ 4-10; 1905, 472.

SECTS. 15-21. See St. 1906, 105, 499 § 2.

SECT. 22 *et seq.* An act to regulate public lodging houses in certain cities. St. 1904, 242. (See 1907, 490.)

SECT. 25 amended. St. 1907, 503 § 1. (See 1905, 347 § 1.)

SECTS. 27, 28. An act relative to the operation and custody of elevators. St. 1902, 350.

SECT. 29. See St. 1905, 347 § 2.

SECTS. 36, 37 limited. St. 1906, 105 § 1. (See 1905, 347 § 2.)

SECT. 41 amended. St. 1907, 503 § 2. Inspection to be by inspectors of health. St. 1907, 537 § 5.

SECTS. 41, 42. See St. 1903, 475; 1904, 347; 1906, 250; 1907, 164.

SECT. 54. See St. 1905, 347.

Chapter 105.—Of the Inspection of Steam Boilers.

The law as to the inspection of steam boilers is revised. St. 1907, 465. (See 1905, 472; 1906, 387, 521, 522; 1907, 373, 451.)

Board of boiler rules established. St. 1907, 465 § 24.

Inspectors must be examined and certified competent. St. 1907, 465 §§ 5, 6.

SECT. 1. Inspection to be under supervision of a chief inspector of boilers. St. 1907, 465 § 4. (See 1905, 521.)

SECTS. 2, 3. See St. 1907, 465 §§ 2, 3, 13.

SECT. 4 superseded. St. 1907, 465 §§ 14, 15.

SECT. 5. See St. 1907, 465 §§ 3, 15, 17, 19.

SECT. 6. See St. 1907, 465 § 28.

SECT. 9. See St. 1907, 465 § 20.

SECTS. 10, 11. See St. 1907, 465 §§ 20, 28.

Chapter 106.—Of the Employment of Labor.

Act to provide for one day's rest in seven. St. 1907, 577.

Act to constitute eight hours a maximum day's work for certain public employees. St. 1906, 517; 1907, 269, 570.

Massachusetts commission for the blind may establish and maintain workshops, etc. St. 1906, 385 § 4.

Removals and suspensions of certain employees regulated. St. 1904, 314; 1905, 243; 1906, 210; 1907, 272. (See 1907, 458.)

Provision for free employment offices in certain cities. St. 1906, 435. 1907, 135. For a state commission on industrial education. St. 1906, 505.

No public service corporation shall appoint or discharge any person at request of any public officer or member of public body. St. 1903, 320.

Cities and towns may establish hours of labor of members of fire department. St. 1904, 315. Provision for security of persons furnishing materials or labor on public buildings. St. 1904, 349. (See 1904, 373; 1907, 490)

Publicity provided for in certain cases. St. 1906, 306. (See 1907, 343.)

SECT. 1. Salaries fixed. St. 1904, 399.

SECT. 2 amended. St. 1902, 446; 1904, 313 § 1.

SECTS. 3-5 amended. St. 1904, 313 §§ 2-4.

SECTS. 10, 11. Corrupt influencing of agents, etc., prohibited. St. 1904, 343 § 1.

SECT. 14 revised. St. 1904, 311.

SECT. 19 revised. St. 1906, 517 § 1; 1907, 269 § 1, 570.

SECT. 19 *et seq.* See St. 1902, 384, 494; 1904, 334; 1906, 517; 1907, 269, 570.

SECT. 20. See St. 1906, 517 §§ 1-3; 1907, 269.

SECT. 21 amended. St. 1907, 190.

SECT. 22 repealed. St. 1906, 463 III §§ 95, 158.

SECT. 23 amended. St. 1904, 397. (See 1906, 284 § 2.)

SECT. 24 amended. St. 1902, 435.

SECT. 27 amended. St. 1907, 267.

SECT. 28 amended. St. 1905, 267 § 1; 1906, 284 § 1.

SECTS. 28, 29. See St. 1906, 499.

SECTS. 29-32. See St. 1905, 267 § 2; 1906, 284.

SECT. 31 revised. St. 1904, 432; 1905, 213 § 1; 1907, 224. (See 1905, 267 § 2; 1906, 284 § 2.)

SECT. 33 revised. St. 1906, 499 §§ 1, 6.

SECT. 34. See St. 1904, 356; 1906, 499 § 3.

SECT. 35 amended. St. 1902, 183.

SECTS. 41, 44, 47-61. Duties transferred to health inspectors. St. 1907, 537 § 5.

SECT. 43. Act relative to operation and custody of elevators. St. 1902, 350.

SECTS. 47-55, 71. Provisions for safety and health of employees in certain establishments. Pure drinking water. St. 1902, 322. Fans or blowers where emery or buffing wheels or belts are used. St. 1903, 475. From flying shuttles. St. 1904, 347. Sanitary provisions. St. 1906, 250. Medical and surgical appliances. St. 1907, 164. (See 1907, 537 § 5.) Appeal authorized to state board of health from certain requirements of district police. St. 1907, 499.

SECT. 56 amended. St. 1905, 238.

SECT. 62 amended. St. 1902, 450; 1906, 427; 1907, 193.

SECT. 63. See St. 1905, 308.

SECT. 65 amended. St. 1905, 304 § 1.

SECT. 66 amended. St. 1905, 304 § 2. Penalty provided. St. 1905, 304 § 3.

SECT. 72 amended. St. 1906, 370.

Chapter 107.—Of the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.

SECT. 1. Chief to establish free employment bureaus in certain cities. St. 1906, 435; 1907, 135. Clerical and incidental expenses. St. 1907, 79. (See 1906, 296 § 3.)

SECT. 2. See St. 1905, 211 § 1; 1906, 296, 385 § 2.

SECTS. 10, 11 repealed. St. 1902, 438 § 7.

Chapter 108.—Of District and Other Police Officers.

The fire marshal's department is abolished and duties and powers transferred to detective department of district police. St. 1904, 433; 1905, 280. Salaries of fire inspectors. St. 1905, 247 § 1, 461 § 1. (See 1902, 142; 1903, 365; 1904, 370.)

Tenure of office of police officers. St. 1906, 210.

Act to authorize appeals to state board of health from certain requirements of the district police. St. 1907, 499.

Police commissioner for Boston. St. 1906, 291; 1907, 214. (See 1885, 323; 1889, 419; 1894, 266; 1897, 320; 1900, 306; 1903, 312, 428 § 3; 1904, 353, 402; 1905, 223; 1907, 513, 584.)

SECT. 1. Additional members. St. 1903, 333, 365 §§ 2, 4; 1904, 318, 430; 1906, 522 § 1; 1907, 451, 465 § 25. (See 1903, 333; 1904, 347 §§ 2-7; 1906, 105 §§ 1-3, 262.)

SECT. 2. Chief of boiler inspection department. St. 1906, 521. (See 1906, 387; 1907, 465 §§ 4, 25.)

SECT. 3. Additional stenographer. St. 1907, 482.

SECT. 5. Salaries fixed. St. 1904, 382; 1905, 247 § 1, 365, 461 § 1; 1906, 480 § 1, 521 § 1, 522 § 1; 1907, 482 § 1.

SECTS. 7, 8. See St. 1903, 475 §§ 3, 5; 1905, 176, 304 § 4, 472; 1906, 262.

SECT. 8 amended. St. 1907, 413. Duties transferred to health inspectors. St. 1907, 537 § 5.

SECT. 10 amended. St. 1902, 544 § 12.

SECT. 11. See St. 1903, 333.

SECTS. 13-18 in part repealed. St. 1906, 463 I §§ 49-53, 68.

SECT. 17 extended. St. 1904, 59.

SECT. 20 in part repealed. St. 1906, 463 I §§ 55, 68.

SECTS. 21-25 superseded. St. 1906, 463 I §§ 49-55, 68.

SECT. 29 amended. St. 1903, 428 § 1.

SECT. 30 revised. St. 1903, 428 § 2.

SECTS. 32, 33, 36. See St. 1906, 291 § 10.

Chapter 109.—Of Certain Powers, Duties and Liabilities of Corporations.

New provisions made for business corporations. St. 1903, 437; 1904, 207, 261; 1905, 156, 222, 242; 1906, 271 §§ 12, 13, 286, 346, 372; 1907, 282, 332, 395, 396, 578. This chapter is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 § 95. (See 1902, 370, 441, 463; 1903, 423; 1904, 442; 1905, 242; 1906, 269, 392, 437; 1907, 414 § 2.)

Corporations or persons engaged in business of selling tickets for transportation to or from foreign countries and in connection therewith receiving money for transmission to foreign countries must give bond to the state treasurer. St. 1905, 428; 1906, 408; 1907, 377 § 1.

SECTS. 9-11, 15, 17, 20, 21, 24, 25, 27, 28, 30-35, 40, 52-57 repealed, so far as they apply to railroads or railroad corporations, etc. St. 1906, 463 II §§ 34, 38, 42, 44, 65-70, 258, III §§ 105-112, 138-143.

SECTS. 13, 14. See St. 1906, 463 II § 29.

SECT. 18. See St. 1906, 463 III § 4.

SECT. 54 amended. St. 1905, 156. (See 1903, 437 § 53.)

SECT. 99. See St. 1906, 463 II § 47.

Chapter 110.—Of Manufacturing and Other Corporations.

New provisions made for business corporations. St. 1903, 437; 1904, 207, 261; 1905, 222; 1906, 271 §§ 12, 13, 286, 346, 372; 1907, 282, 395, 396, 578. This chapter is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 § 95. (See 1902, 441; 1904, 442; 1905, 156.)

SECTS. 17, 19, 22-25, 27, 28 in part repealed. St. 1906, 463 II §§ 29-32, 37, 40, 43, 258.

SECT. 24. See St. 1907, 576 § 61.

SECT. 32. See St. 1906, 437.

SECT. 50. See St. 1905, 330.

Chapter 111.—Of Railroad Corporations and Railroads.

This chapter, except section 158, is repealed by St. 1906, 463 II § 258; and revised by St. 1906, 463 I, II; 1907, 245, 315, 392, 585. (See 1902, 298, 402, 432, 440, 507, 533, 544 § 13; 1903, 126, 173, 297, 423, 478; 1904, 59, 96, 169, 265, 357, 429; 1905, 134, 208, 210, 408, 456; 1906, 266, 267, 283, 417, 463 II § 258, 516; 1907, 428.)

Act for better protection from fire of woodlands adjoining railroads. St. 1907, 431.

Acts to regulate formation of electric railroad companies. St. 1906, 516; 1907, 428, 448.

Acts relative to taking of deposits for transmission to foreign countries, or other purposes. St. 1905, 428; 1907, 377.

SECT. 158. Not repealed by St. 1906, 463.

Act to restrain the consolidation of railroad corporations. St. 1907, 585.

Chapter 112.—Of Street Railway Corporations.

This chapter is repealed by St. 1906, 463 III § 158; and revised by St. 1906, 463 III; 1907, 318, 392, 402. (See 1902, 288, 370, 395, 396, 399, 440, 449, 483; 1903, 134, 143, 202, 320, 328, 423, 476; 1904, 110, 210, 267, 373, 396, 441; 1905, 80, 134, 376; 1906, 267, 283, 339, 463 I § 68, 479, 516; 1907, 428.)

Act relative to electric railroad companies. St. 1906, 516; 1907, 428, 448. (See 1907, 556.)

As to elevated railways and subways in and near Boston, see St. 1887, 413 § 4; 1890, 368, 454 § 12; 1894, 548, 550; 1895, 440; 1896, 492; 1897, 500; 1900, 258; 1902, 114, 534; 1904, 167, 534; 1906, 213, 520; 1907, 258, 573.

Chapter 113.—Of Savings Banks and Institutions for Savings.

Act to permit savings banks to establish life insurance departments. St. 1907, 561. (See 1907, 576.)

SECTS. 1-9. Bank commissioner and a new board substituted for board of savings bank commissioners. St. 1906, 204, 377. (See 1902, 355 § 2, 463, 483 §§ 1, 3, 490; 1904, 374 § 5, 392 §§ 3-7, 427; 1905, 211 § 1; 1906, 347, 463 III § 147; 1907, 561.)

SECT. 6. See St. 1902, 463; 1906, 66 § 1, 204 § 3, 347.

SECTS. 7, 8. See St. 1907, 561 § 29.

SECT. 11. Extended. St. 1906, 377 § 1. Limited. St. 1907, 533 § 1.

SECTS. 14, 15. No president, vice-president or treasurer shall hold similar office in a bank or trust company. St. 1902, 169 § 4.

SECT. 15. See St. 1907, 576 § 61.

SECT. 16 amended. Names of corporators to be published. St. 1902, 169 § 1.

SECT. 21 *et seq.* Offices not to be same as or connected with offices of a bank or trust company. St. 1902, 169 § 3. (See 1906, 204 § 3.)

SECT. 26. Additional securities. St. 1902, 483 § 1; 1906, 463 III §§ 147, 150. Cl. 2 *d* amended. St. 1904, 208 § 1. Cl. 3 *i, j*. See St. 1906, 204 § 3. Cl. 3 *m* amended. St. 1905, 250. Cl. 4 *e* extended. St. 1904, 210 § 1. Cl. 4 *g*. See St. 1902, 483 § 1. Cl. 9. See St. 1906, 204 § 3.

SECT. 32. See St. 1906, 204 § 3.

SECTS. 46, 49-51, 52, 56. See St. 1906, 204 § 3.

SECT. 47. Names of corporators to be reported. St. 1902, 169 § 2.

SECT. 55. Act relative to unclaimed deposits. St. 1907, 340.

SECT. 56 extended. St. 1904, 200.

Chapter 114.—Of Co-operative Banks.

Act to provide for appointment of a bank commissioner. St. 1906, 204. (See 1906, 347, 377; 1907, 561.)

Act relative to unauthorized banking. St. 1906, 377.

Consolidation of two or more banks authorized and regulated. St. 1904, 392. (See 1906, 204.)

- SECT. 2. See St. 1906, 204, § 4.
SECT. 4 amended. St. 1903, 147 § 1.
SECTS. 9, 10 amended. St. 1903, 95 §§ 1, 2.
SECT. 10. See St. 1907, 576 § 61.
SECT. 14. Loans limited. St. 1904, 292 § 1. Act relative to mortgages to co-operative banks. St. 1907, 351.
SECT. 17 revised. St. 1906, 280 § 1.
SECT. 24 revised. St. 1903, 203 § 1.
SECTS. 26-30. See St. 1906, 204 § 3.
SECT. 31 (new section) added, relative to increase in limit of capital. St. 1903, 147 § 2.

Chapter 115.—Of Banks and Banking.

Act to provide for the appointment and relative to the duties of a bank commissioner. St. 1906, 204, 277. (See 1907, 319 §§ 2-4, 377, 561.)

Act relative to unauthorized banking. St. 1906, 377. Foreign banking associations or corporations. St. 1906, 66 § 1, 204 § 3, 347. (See 1902, 463.) Act relative to foreign banking corporations doing business as savings banks. St. 1907, 533.

Corporations or persons engaged in business of selling tickets for transportation to foreign countries, and who receive funds for transmission abroad, must give bond to state treasurer. St. 1905, 428; 1906, 408; 1907, 377.

Officers and offices must not be same as or connected with those of a savings bank. St. 1902, 169 § 3.

SECT. 3. See St. 1906, 204 § 3.

SECT. 56 *et seq.* See St. 1904, 263.

SECT. 67. See St. 1906, 204 § 3.

SECTS. 90-94. See St. 1907, 576 § 30.

SECTS. 112-115. See St. 1906, 204 § 3.

Chapter 116.—Of Trust Companies.

Acts relative to the incorporation and to the reserve funds of trust companies. St. 1904, 374; 1905, 331

Act relative to examinations of trust companies. St. 1907, 319.

Officers and offices not to be same as or connected with those of a savings bank. St. 1902, 169 § 3. An act relative to maintenance of branch offices. St. 1902, 355.

SECTS. 2-6. See St. 1904, 374 §§ 1-5; 1906, 204 § 3.

SECT. 5 amended. St. 1907, 487. Act relative to increase of capital. St. 1905, 189.

SECT. 7 *et seq.* An examining committee required. St. 1907, 319 § 1.

SECT. 16 amended. St. 1907, 417. (See 1907, 340 § 2.)

SECT. 20. See St. 1906, 204 § 4.

SECT. 28. See St. 1904, 374 §§ 6, 7; 1905, 331 § 1.

SECT. 30 amended. St. 1905, 228.

SECT. 36 amended. St. 1907, 320.

SECT. 37. See St. 1906, 204 § 3.

Chapter 117.—Of Mortgage Loan and Investment Companies.

See act to regulate bond and investment companies. St. 1904, 427.

SECTS. 14, 15. See St. 1906, 204 §§ 3, 4.

Chapter 118.—Of Insurance.

This chapter is repealed and superseded by St. 1907, 576. (See 1902, 106, 340; 1903, 174, 223, 421; 1904, 240, 247, 300, 304, 427; 1905, 191, 287, 315, 401; 1906, 271 § 7, 396; 1907, 539, 561.)

Act to permit savings banks to establish life insurance departments. St. 1907, 561.

General insurance guaranty fund established, and a state actuary and medical director provided for. St. 1907, 561 §§ 14, 15, 16. (See 1907, 576 § 5.)

Chapter 119.—Of Fraternal Beneficiary Corporations.

SECTS. 1, 2. See St. 1903, 332 § 1.

SECT. 6. Domestic corporation may adopt provisions of R. L., ch. 120. St. 1904, 155. (See 1904, 427 § 7; 1907, 576 § 35.)

SECT. 12 amended. St. 1903, 332 § 1.

Provision for partial payment on death of wife. St. 1904, 271.

SECT. 13 amended. St. 1907, 471. Restriction as to name. St. 1905, 315.

SECT. 14. See St. 1903, 166.

SECT. 16 amended. St. 1907, 472.

SECT. 17. See St. 1903, 332 § 1.

Chapter 120.—Of Assessment Insurance.

SECT. 1. Domestic corporation organized under R. L., ch. 119, may also carry on business under this chapter. St. 1904, 155. (See 1904, 427 § 7; 1907, 576 § 35.)

SECT. 6. See St. 1904, 155 § 3, 427 § 7.

SECT. 13 amended. St. 1903, 227.

Chapter 121.—Of Gas and Electric Light Companies.

SECT. 1 amended. St. 1907, 316.

SECTS. 1-4. Powers and duties of inspector of gas meters transferred to board of gas and electric light commissioners. St. 1902, 228. (See 1903, 464; 1905, 211 § 1; 1906, 422.)

SECT. 3 superseded. St. 1907, 54 §§ 1, 3.

SECT. 4 superseded. St. 1904, 435.

SECT. 7. See St. 1905, 211 § 1.

SECT. 9. See St. 1906, 422 § 4.

SECT. 10. Act relative to increase of stock. St. 1906, 437. (See 1906, 392.)

SECT. 21. See St. 1903, 320.

SECT. 22. See St. 1906, 392.

SECT. 31 amended. St. 1903, 406 § 1.

SECT. 33 amended. St. 1903, 164.

SECT. 34. See St. 1903, 464.

SECTS. 34, 35 limited. St. 1906, 422 § 10.

Chapter 122.—Of Companies for the Transmission of Electricity.

The Massachusetts highway commission to have general supervision of all companies engaged in the transmission of intelligence by electricity. St. 1906, 433.

As to electric railroad companies, see St. 1906, 516.

SECT. 1. See St. 1903, 320.

SECT. 2 revised. St. 1903, 237; 1906, 117 § 1.

SECT. 9. See St. 1906, 433.

SECT. 12. See St. 1906, 433.

SECT. 24. See St. 1906, 433 §§ 8, 9.

Chapter 123.—Of Proprietors of Wharves, Real Estate Lying in Common, General Fields, and Aqueduct Corporations.

SECT. 42 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.

Chapter 124.—Of Agricultural and Horticultural Societies.

SECT. 6 amended. St. 1907, 189.

Chapter 125.—Of Corporations for Charitable and Other Purposes.

SECT. 2. Charter may be revoked in certain cases. St. 1902, 524; 1907, 336, 337 § 3.

SECT. 4. Act to regulate changes in location of certain corporations. St. 1907, 337. (See 1906, 291 § 10.)

SECT. 5. See St. 1905, 464.

SECT. 13. See St. 1902, 430; 1903, 275.

SECT. 17, 18 in part repealed. St. 1906, 463 I §§ 46, 47, 68.

SECT. 19 repealed. St. 1906, 463 I §§ 48, 68.

SECT. 20. Trustees shall make annual reports. St. 1904, 248. (See 1905, 211; 1906, 275.)

SECT. 22. See St. 1905, 216; 1906, 275.

Chapter 126.—Of Foreign Corporations.

This chapter, except section 8, is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 §§ 56-70, 95; 1905, 233, 242; 1906, 346 § 2, 347. (See 1902, 349, 463; 1904, 207, 261, 442; 1905, 156, 222; 1906, 271, 372.)

Foreign banking associations or corporations. St. 1906, 66, 204 § 3, 347. (See 1902, 463.)

SECT. 4. See St. 1905, 242; 1906, 269.

SECT. 6. See St. 1903, 437 § 66; 1905, 233.

SECT. 9. See St. 1906, 269.

Chapter 127.—Of the Alienation of Land.

SECTS. 1-6. Signature of married woman under twenty-one to conveyance of husband's land has same validity as if she were over that age. St. 1902, 478.

SECT. 5. See St. 1907, 225.

SECT. 8 amended. "Special commissioners" added. St. 1902, 289.

SECTS. 12-16. See St. 1907, 294.

SECT. 34. Act relative to discharge of mortgages. St. 1907, 294.

Chapter 128.—Of the Registration and Confirmation of Titles to Land.

Name of court changed to "Land Court," jurisdiction enlarged and proceedings regulated. St. 1904, 448; 1905, 249, 288; 1906, 50, 344. (See 1905, 195, 286, 291, 296.) Court may determine questions relating to written instruments purporting to authorize transfer of real estate. St. 1906, 344.

SECT. 1 amended. St. 1904, 448 § 10; 1905, 249 § 1.

SECT. 7. See St. 1907, 225 § 3.

SECT. 12. Salaries changed. St. 1904, 386; 1906, 416.

SECT. 13, relative to appeals, amended. St. 1902, 458; 1904, 448 §§ 3, 8; 1905, 288. (See 1905, 249, 291; 1907, 225 § 3.)

SECTS. 13-17. See St. 1904, 448 § 3; 1905, 249, 288, 291.

SECT. 18 amended. St. 1905, 249 § 2. Affected. St. 1906, 50 § 3. (See 1905, 296 § 2.)

SECT. 28. See St. 1907, 225 § 3.

SECT. 29. See St. 1904, 448 § 6.

SECT. 31. See St. 1907, 204.

SECT. 32 amended. St. 1906, 452 § 1.

SECT. 35. Act relative to compensation of masters. St. 1905, 195.

SECT. 40. See St. 1904, 448 § 4.

SECT. 55. See St. 1907, 225 § 3.

SECT. 59. See St. 1907, 351.

SECT. 61. See St. 1907, 294.

SECT. 62 amended. St. 1905, 296 § 1. Limited. St. 1905, 296 § 2.

SECT. 89. See St. 1904, 317, 443.

SECT. 109. See St. 1905, 249 § 3.

Chapter 129.—Of Estates for Years and at Will.

As to payment of legacy tax on estates where there is an intervening estate for life or a term of years, see St. 1902, 473; 1904, 421; 1907, 563 §§ 5, 7.

Chapter 131.—Of Homesteads.

SECT. 6. See St. 1906, 129.

Chapter 132. — Of the Rights of a Husband in the Real Property of His Deceased Wife and the Rights of a Wife in that of Her Deceased Husband.

Act relative to conveyances and will of a husband deserted by his wife, or living apart from her for justifiable cause. St. 1906, 129.

SECT. 1. St. 1894, 170, is declared to be in full force in respect of claims to which surviving husband or wife was entitled on or before December 31, 1901, under Public Statutes, ch. 124 §§ 1, 3. St. 1902, 482.

SECTS. 4, 5. Signature of married woman under twenty-one is valid. St. 1902, 478.

SECT. 9 amended. St. 1904, 306.

Chapter 134. — General Provisions relative to Real Property.

As to payment of legacy tax on estates where there is an intervening estate for life or years, see St. 1902, 473 ; 1904, 421 ; 1907, 563 §§ 5, 7.

SECT. 18. See St. 1907, 351.

Chapter 135. — Of Wills.

SECT. 12 amended. St. 1902, 160.

SECT. 16. If the probate court decrees that husband has been deserted by wife, or has left her for justifiable cause, wife may not waive provisions of his will. St. 1906, 129 § 1.

Chapter 136. — Of the Probate of Wills and the Appointment of Executors.

SECT. 1 amended. St. 1905, 90.

SECT. 4 amended. St. 1907, 130.

Chapter 138. — Of Public Administrators.

SECT. 2 amended. St. 1907, 284.

SECTS. 10, 11. Public administrators may be authorized by probate courts to have charge of and to lease or sell real estate. St. 1903, 260 §§ 1, 2 ; 1905, 124 § 1. Sales made under St. 1903, 260 § 1, ratified. St. 1905, 124 § 2.

Chapter 139. — General Provisions relative to Executors and Administrators.

SECTS. 2, 3. See St. 1907, 549.

Chapter 140. — Of Allowances to Widows and Children, the Distribution of the Estates of Intestates, and of Advancements.

SECT. 3. Cl. 3 amended. St. 1905, 256.

Chapter 141.—Of the Payment of Debts, Legacies and Distributive Shares.

Act to provide for the taxation of legacies and successions. St. 1907, 563.

Attachment of property of a deceased person restricted. St. 1907, 553.
SECT. 2 amended. St. 1904, 165.

SECT. 9 *et seq.* Time limited within which real estate may be taken or sold for payment of debts. St. 1907, 549.

Chapter 142.—Of Insolvent Estates of Deceased Persons.

SECT. 2 amended. St. 1907, 257.

Chapter 143.—Of the Settlement of the Estates of Deceased Non-residents.

SECT. 2 amended by act to facilitate settlements. St. 1904, 360.

Chapter 144.—Of the Settlement of Estates of Absentees.

Act relative to the settlement of trust estates, the final disposition of which depends upon the death of a beneficiary who has disappeared or absconded and not been heard of for fourteen years. St. 1905, 326.

SECT. 1 revised. St. 1903, 241 § 1; 1906, 224 § 1. (See 1902, 544 § 14.)

SECTS. 3-5, 7, 8. See St. 1902, 544 §§ 15-19; 1903, 241 § 3.

SECT. 4 amended. St. 1904, 206 § 1.

SECT. 9 amended. St. 1906, 175 § 1.

SECT. 11 revised. St. 1903, 241 § 2.

SECT. 12. See St. 1902, 544 § 20; 1904, 206 § 2.

Chapter 145.—Of Guardianship.

SECT. 4 amended. Parents or surviving parent to have custody of minor, if competent. St. 1902, 474; 1904, 163. (See 1902, 324.)

SECT. 6 amended. St. 1907, 169 § 1.

SECT. 7 amended. St. 1907, 169 § 2.

SECT. 23 amended. St. 1906, 452 § 2.

SECT. 40 amended. St. 1903, 96 § 1; 1905, 127 § 1; 1907, 169 § 3.

Chapter 146.—Of Sales, Mortgages and Leases of Real Property by Executors, Administrators and Guardians.

SECT. 1 *et seq.* Time limited within which real estate may be sold for payment of debts. St. 1907, 549.

SECT. 18 amended. St. 1904, 217 § 1; 1906, 73 § 1; 1907, 236 § 1.

SECT. 25 amended. St. 1907, 219 § 1.

Chapter 147.—Of Trusts.

SECT. 15 amended. St. 1907, 262.

Chapter 148.—Provisions relative to Sales, Mortgages, etc., by Executors, etc.

Public administrators may be licensed to lease or sell real estate. St. 1903, 260.

Time limited within which real estate may be sold for payment of debts. St. 1907, 549.

SECT. 3. See St. 1907, 563 §§ 16, 17.

SECT. 14 revised. St. 1907, 447.

SECTS. 14-18. Probate court to have jurisdiction. St. 1903, 222 § 1.

SECT. 15. Certain proceedings of probate courts are confirmed. St. 1902, 538.

Chapter 149.—Of Bonds of Executors, Administrators, Guardians and Trustees.

SECT. 1. Cl. 4. See St. 1905, 326 ; 1906, 224.

SECT. 9. Limited. St. 1907, 576 § 61.

Chapter 150.—Of the Accounts and Settlements of Executors, Administrators, Guardians, Trustees and Receivers.

Act to regulate disbursements by trustees. St. 1907, 371. (See 1907, 563 §§ 8, 9.)

Trusts for benefit of a city or town to be audited by city or town auditor. St. 1904, 322.

Act relative to the settlement of trust estates the final disposition of which depends upon the death of a beneficiary who has disappeared or absconded and not been heard of for fourteen years. St. 1905, 326.

SECT. 8. See St. 1907, 294.

SECT. 17 amended. St. 1907, 438.

SECT. 25 amended. St. 1906, 127 § 1.

Chapter 151.—Of Marriage.

SECT. 11. See St. 1902, 324 ; 1907, 390.

SECT. 14 revised. St. 1902, 310.

SECT. 20 amended. St. 1907, 159.

SECT. 40. Advertising to perform or procure performance of marriage ceremony is made punishable. St. 1902, 249.

Chapter 152.—Of Divorce.

Provision for investigation in suits for divorce or nullification of marriage. St. 1907, 390.

SECT. 13 amended. St. 1902, 544 § 21.

SECT. 24. See St. 1906, 129.

SECT. 25. Court having jurisdiction may bring before it on *habeas corpus* any child whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

Chapter 153. — Of Certain Rights and Liabilities of Husband and Wife.

Act relative to conveyances and will of a husband deserted by his wife or living apart from her for justifiable cause. St. 1906, 129.

SECTS. 15, 16. See St. 1902, 478.

SECT. 31 *et seq.* See St. 1906, 501.

SECT. 33. See St. 1902, 324; 1906, 129.

Chapter 154. — Of the Adoption of Children and Change of Names.

SECT. 2 amended. St. 1902, 544 § 22; 1904, 302.

SECT. 3 amended. St. 1907, 405.

Chapter 156. — Of the Supreme Judicial Court.

SECT. 5 amended. Provision for jurisdiction of actions of contract and replevin stricken out. St. 1905, 263 § 1. (See 1906, 306 § 2, 372, 377, 433 § 7.)

SECTS. 15, 16. Plymouth law questions to be heard in Suffolk. St. 1903, 54 §§ 1, 2.

Chapter 157. — Of the Superior Court.

SECT. 1. Number of associate justices increased. St. 1907, 286. (See 1902, 383; 1903, 472 § 2.)

SECTS. 2, 3. See St. 1903, 383 § 4.

SECT. 3. Jurisdiction in writs of entry, petitions to try title to real estate, to determine validity of encumbrances on real estate, to discharge mortgages and to determine boundaries of flats, transferred to the land court. St. 1904, 448 § 1; 1906, 50. (See 1905, 195, 249, 288, 291; 1906, 344.) Provision for issue of *habeas corpus* in disputes as to care or custody of child. St. 1902, 324.

SECT. 4. See St. 1905, 263 § 1; 1906, 433 § 7, 434 § 2.

SECT. 6. See St. 1905, 288.

SECTS. 21, 34, 35. Provision for expense of printing and transportation of papers, etc. St. 1907, 80.

SECT. 24. Sessions changed: Barnstable, St. 1902, 456 § 2. Berkshire, 1904, 38. Hampden, 1904, 144; 1907, 26. Middlesex, 1903, 97 § 1. Plymouth, 1903, 54 §§ 3-5. Suffolk, 1902, 456 § 1; 1903, 472 § 1.

SECT. 28 amended. St. 1907, 176.

Chapter 158. — Provisions Common to the Supreme Judicial Court and the Superior Court.

SECT. 4. See St. 1907, 204.

Chapter 159.—Of the Equity Jurisdiction and Procedure of the Supreme Judicial Court and the Superior Court.

SECTS. 1-3. See St. 1903, 383 § 4; 1905, 315; 1906, 306 § 2, 372, 377 § 2.

SECT. 3 amended. St. 1902, 544 § 23.

SECT. 11. Separate equity docket in Essex. St. 1905, 107.

Chapter 160.—Of Police, District and Municipal Courts.

SECT. 1. Jurisdiction extended: Fitchburg, St. 1904, 259. Lowell, 1904, 264. (See 1906, 489 § 4; 1907, 411.)

SECT. 2. New courts established: Boston juvenile, St. 1906, 489; 1907, 137, 411. (See 1907, 158, 195.) Fourth Bristol, 1903, 214. Third Essex, 1906, 299 § 1. Eastern Hampshire, 1903, 412. Winchendon, 1904, 372 § 1. (See 1906, 240.) Western Worcester, 1902, 416 §§ 1, 2. Districts changed: Eastern Hampden, St. 1907, 110. Newburyport, 1902, 455. Central Worcester, 1902, 186. First and second eastern Worcester, 1902, 161. First northern Worcester, 1907, 98.

SECTS. 9-12. Clerk for second Essex, St. 1906, 240. Central Middlesex, 1905, 133. Williamstown, 1906, 351. Winchendon, 1906, 248. Eastern Worcester, 1905, 192. Second southern Worcester, 1906, 194.

SECTS. 12, 13. Provision for assistant clerks *pro tempore*. St. 1906, 256.

SECT. 24 *et seq.* See St. 1903, 209, 334 §§ 1-3; 1904, 282 § 3; 1906, 105 § 6, 282, 489 § 3; 1907, 251.

SECT. 25. See St. 1906, 413, 489; 1907, 137.

SECT. 39 *et seq.* Sessions: Winchendon, St. 1904, 372 §§ 3, 4. Western Worcester, 1902, 416 § 4. (See 1904, 218.)

SECT. 44 amended. St. 1906, 166.

SECT. 48. See St. 1904, 453 § 5.

SECT. 56 revised. St. 1907, 179.

SECT. 58. Additional assistant. St. 1906, 468.

SECT. 59. Jurisdiction in certain juvenile cases transferred to the Boston juvenile court. St. 1906, 489 § 4. (See 1906, 499 § 5; 1907, 137, 411.)

SECT. 62. Additional probation officer for central Worcester. St. 1907, 223.

SECT. 64. Officers attending sessions to wear uniforms. St. 1902, 368; 1906, 355 § 2. Messenger for municipal court of Boston. St. 1906, 192.

SECT. 67 in part repealed. Salaries classified and established. St. 1904, 453 §§ 1, 4; 1905, 339. (See 1902, 299, 320, 356, 360, 378, 416 § 3; 1903, 214 § 2, 412 § 2; 1904, 372 § 2; 1905, 133, 192.) Boston juvenile. St. 1906, 489 § 2. Chelsea, 1906, 325. East Boston, 1907, 333. Second Essex, 1906, 240. Third Essex, 1906, 299 § 2. Franklin, eastern Franklin and eastern Hampshire, 1907, 128. (See 1904, 453 § 2.) Lee, 1905, 443. Lowell, 1905, 165. South Boston, 1907, 324. Williamstown, 1906, 351. Winchendon, 1904, 372 § 2; 1906, 248 § 1. Municipal court of Boston, 1904, 454 § 1; 1905, 452; 1906, 192 § 1, 355, 449 § 1, 450. (See 1902, 368.) Allowance for clerical assistance: First Barnstable, St. 1904, 331. Second Barnstable, 1906, 228. Brockton, 1906, 289. Boston, 1906, 449 § 2. Chelsea, 1904, 258. East Boston, 1907,

323. (See 1903, 179.) First Essex, 1906, 196. Second eastern Middlesex, 1906, 195. First northern Worcester, 1906, 197.

SECT. 68 repealed. St. 1904, 453 § 4. Provision for travelling expenses. St. 1904, 453 § 3.

SECT. 69. Compensation of special justices: Dukes county. St. 1902, 309.

SECT. 70. Compensation of assistant clerks *pro tempore*. St. 1906, 256 § 1.

SECT. 71. See St. 1907, 204.

Chapter 161. — Of Justices of the Peace and Trial Justices.

SECT. 14 amended. Error corrected. St. 1902, 544 § 24.

SECT. 30 *et seq.* See St. 1903, 209 § 1.

Chapter 162. — Of Probate Courts.

SECT. 3. Jurisdiction extended. St. 1902, 371; 1903, 222, 248, 260; 1906, 129, 309.

SECT. 4. Court may proceed by *habeas corpus* to determine question of care and custody of children in certain cases. St. 1902, 324.

SECT. 5. Certain proceedings of the probate courts confirmed. St. 1902, 538.

SECT. 19 amended. St. 1907, 266.

SECT. 38 amended. St. 1907, 129.

SECT. 47 amended. St. 1905, 229.

SECT. 60. Changes in sessions: Hampden, St. 1905, 79. Middlesex, 1907, 273.

Chapter 163. — Of Courts of Insolvency.

SECT. 2 amended. Error corrected. St. 1902, 544 § 25.

SECT. 136. Sale of merchandise in bulk is restricted. St. 1903, 415.

Chapter 164. — Of Judges and Registers of Probate and Insolvency.

Act to provide for retirement of judges. St. 1906, 474.

SECTS. 1, 2. Two judges in Worcester. St. 1907, 442 §§ 1, 2.

SECT. 5 amended. St. 1904, 401 § 1; 1905, 92 § 1.

SECT. 7 amended. St. 1904, 401 § 2; 1906, 59 § 1.

SECT. 15. See St. 1907, 225.

SECT. 17. Assistants: Barnstable, St. 1907, 207 § 1. Berkshire, 1904, 286 § 1. Assistants may be women in certain counties. St. 1904, 286 § 1; 1907, 207 § 1, 442 § 3. Second assistant in Middlesex. St. 1905, 323.

SECT. 27 in part repealed. Salaries classified and established. St. 1904, 455 §§ 1, 3; 1906, 59; 1907, 207 § 1, 442 §§ 4, 5. Provision for future readjustment of salaries. St. 1904, 455 § 2. For retirement on pension. St. 1906, 474. Berkshire, assistant register. St. 1906, 265 §§ 1, 3. (See 1904, 286 § 2.) Middlesex, second assistant. St. 1905, 323 § 1.

SECT. 28. Berkshire excepted. St. 1904, 286 § 3. And Barnstable. St. 1907, 207 § 2.

SECT. 29. Amount increased: Bristol, St. 1902, 412. Essex, 1904, 281. Hampden, 1907, 206. Middlesex, 1904, 387. Norfolk, 1905, 183. Plymouth, 1904, 219.

SECT. 32. See St. 1904, 401 § 2; 1905, 92 § 1; 1906, 59 § 1.

SECT. 33 amended. St. 1906, 149. Allowance for uniform. St. 1904, 272.

SECT. 35. Pay of messenger and uniform. St. 1906, 193.

Chapter 165.—Of Clerks, Attorneys and Other Officers of Judicial Courts.

SECTS. 4-7. Additional assistant clerks: Essex, St. 1907, 253. Middlesex, 1903, 137 § 1. Suffolk superior, 1903, 472 § 3; 1906, 276. Worcester, 1904, 287 § 1.

SECT. 7. Assistant may be a woman. St. 1907, 234.

SECT. 15 amended. St. 1907, 145 § 1.

SECT. 17 *et seq.* Clerks to make certain annual returns to secretary of the Commonwealth. St. 1905, 321.

SECT. 34 superseded. Salaries classified and established. St. 1904, 451 §§ 1, 2. (See 1902, 462.) Changes. St. 1905, 179.

SECT. 35 superseded. Salaries classified and established. St. 1904, 451 §§ 1, 3; 1907, 145 § 2, 253. (See 1902, 358, 499, 513; 1903, 137, 472 § 3.) Suffolk superior. St. 1902, 499; 1905, 380; 1906, 276 § 1.

SECT. 38. Provision for expense of printing, and transportation of papers, etc., of the superior court. St. 1907, 80.

SECTS. 40, 41 revised. St. 1904, 355 §§ 1, 2.

SECT. 43 revised. St. 1904, 355 § 3.

SECT. 44 *et seq.* See St. 1904, 458 § 5; 1907, 443.

SECT. 48. See St. 1907, 490.

SECT. 52 amended. Eleven in Middlesex. St. 1904, 348. May act in any county. St. 1906, 187. (See 1905, 119; 1906, 180.)

SECT. 69 in part superseded. St. 1907, 133. Officers may serve venires and processes in certain cases. St. 1907, 312.

SECT. 72 *et seq.* Tenure of office. St. 1906, 147.

SECT. 76 amended. St. 1906, 470 § 1; 1907, 459.

SECT. 81 amended. St. 1904, 145.

Chapter 166.—Of Provisions relative to Courts and of Naturalization.

SECT. 5. See St. 1907, 204.

SECT. 18. See St. 1903, 442; 1906, 527.

SECT. 21 (new section) added, providing for evening sessions. St. 1905, 340.

Chapter 167.—Of the Commencement of Actions and the Service of Process.

SECT. 6 amended. St. 1904, 320.

SECT. 15. See St. 1905, 266.

SECT. 24. See St. 1907, 176, 204.

SECT. 28 amended as to trustee process. St. 1906, 201.

SECTS. 34-37. See St. 1906, 269, 372.

SECT. 36. Extended to certain foreign corporations. St. 1907, 332.

SECT. 38 *et seq.* Attachment of property of deceased persons is restricted. St. 1907, 553.

SECT. 39 in part repealed. St. 1906, 463 I §§ 61, 68.

SECT. 56 amended. St. 1907, 546 § 2.

SECT. 62 amended. St. 1907, 370.

SECT. 69. See St. 1907, 490.

SECT. 80 amended. St. 1907, 453.

SECT. 111 *et seq.* Provisions against unauthorized dissolutions. St. 1907, 334.

SECTS. 116, 117, 121-123. See St. 1905, 110; 1906, 187.

SECT. 117 amended. St. 1907, 393.

SECTS. 121, 122. See St. 1906, 187; 1907, 490 § 1.

Chapter 168. — Of Arrest on Civil Process.

SECT. 20 amended. St. 1906, 203 § 1.

SECT. 41 amended. St. 1906, 203 § 2.

Chapter 170. — Of Proceedings against Absent Defendants and upon Insufficient Service.

SECT. 1. See St. 1906, 269.

Chapter 171. — Of the Survival of Actions and of the Death and Disabilities of Parties.

SECT. 2 amended. St. 1907, 375.

Chapter 173. — Of Pleading and Practice.

SECT. 2 *et seq.* See St. 1905, 266.

SECT. 24 amended. St. 1907, 176.

SECT. 38. See St. 1907, 582 §§ 1, 18.

SECT. 48. See St. 1905, 266.

SECT. 55 amended. St. 1905, 271.

SECT. 76 repealed. St. 1906, 342 § 1.

SECT. 81 amended. St. 1904, 448 § 9; 1905, 286.

SECT. 96 amended. St. 1906, 342 § 2.

SECT. 97 amended. St. 1906, 451. (See 1907, 176.)

SECT. 106 amended. St. 1906, 342 § 3.

SECT. 116 amended. St. 1907, 546 § 1.

Chapter 174. — Of Set Off and Tender.

SECT. 14. See St. 1904, 317.

Chapter 175.—Of Witnesses and Evidence.

SECT. 8 amended. St. 1907, 328. (See 1906, 291 § 18.)

SECT. 10 *et seq.* See St. 1904, 343 § 2.

SECT. 74. See St. 1907, 225.

Chapter 176.—Of Juries.

Act relative to juries and jury service. St. 1907, 348.

SECT. 3 amended. St. 1904, 307 § 1; 1906, 257.

SECT. 4 amended. St. 1907, 348 §§ 1-4.

SECT. 5 revised. St. 1907, 348 § 5.

SECT. 6 amended. St. 1907, 348 § 6.

SECT. 7 amended. St. 1907, 348 § 7.

SECT. 8 amended. St. 1907, 348 § 8.

SECT. 11. See St. 1907, 312.

SECT. 36 *et seq.* Additional penalties. St. 1907, 348 §§ 2, 3.

Chapter 177.—Of Judgment and Execution.

SECT. 2. See St. 1907, 204.

Chapter 179.—Of the Writ of Entry.

Jurisdiction of writs of entry transferred to the land court. St. 1904, 448 § 1.

SECT. 7. See St. 1905, 266.

Chapter 181.—Of the Summary Process for the Possession of Land.

SECT. 4. See St. 1907, 490.

Chapter 182.—Of Proceedings for the Settlement of Title to Land.

SECTS. 1-5, 11-14, 15. Jurisdiction transferred to the land court. St. 1904, 448 § 1; 1905, 249 § 4. (See 1905, 288; 1906, 50, 344.)

Chapter 183.—Of the Determination of Boundaries of Flats.

SECT. 1 amended. St. 1906, 50 § 1.

SECT. 2. See St. 1906, 50 § 2.

SECT. 15. See St. 1907, 294.

Chapter 184.—Of the Partition of Land.

SECT. 33 amended. Errors corrected. St. 1902, 544 § 26.

SECT. 47 amended. St. 1907, 361.

Chapter 187.—Of the Foreclosure and Redemption of Mortgages.

Act relative to the discharge of mortgages. St. 1907, 294.

SECT. 14 amended. St. 1906, 219 § 1.

SECT. 15 amended. St. 1906, 219 § 2.

SECT. 37. See St. 1907, 294.

Chapter 189. — Of the Trustee Process.

SECT. 1. See St. 1906, 269.

SECT. 6. See St. 1906, 201.

SECT. 19. See act relative to trustee process against common carriers. St. 1905, 324.

SECT. 34. Act relative to the assignment of wages. St. 1905, 308; 1906, 390.

SECT. 65. See St. 1905, 110.

Chapter 191. — Of Habeas Corpus.

Provision for issue of writ of *habeas corpus* in cases of divorce, nullity of marriage, separate support or maintenance, or any proceeding in which the care and custody of children is in question. St. 1902, 324.

Chapter 192. — Of Audita Querela, Certiorari, Mandamus and Quo Warranto.

SECT. 4 amended. St. 1902, 544 § 27.

Chapter 196. — Of Mills, Dams and Reservoirs.

SECT. 4 amended. St. 1905, 259.

SECT. 30. See St. 1905, 266.

Chapter 197. — Of Liens on Buildings and Land.

SECT. 28 amended. St. 1906, 223. Extended to personal property liens. St. 1907, 490 § 1.

Chapter 198. — Of Mortgages, Conditional Sales and Pledges of, and Liens upon Personal Property.

Provisions for dissolution of certain liens. St. 1907, 490.

SECTS. 23-30. See St. 1907, 490.

Chapter 201. — Of Claims against the Commonwealth.

SECT. 1 amended. St. 1905, 370 § 1. (See 1907, 340 § 2.)

SECT. 2 amended. St. 1905, 370 § 2.

Chapter 202. — Of the Limitation of Actions.

SECT. 4. Actions of tort for personal injuries against counties, cities and towns added. St. 1902, 406. (See 1905, 266.)

Chapter 203. — Of Costs in Civil Actions.

Certain items of cost added in cases of petitions for abolition of grade crossings under R. L., ch. 111. St. 1902, 298.

SECT. 26 amended. St. 1904, 413 § 1.

Chapter 204.—Of the Fees of Certain Officers.

SECT. 2 amended. Fee for *alias* stricken out. St. 1904, 350 § 1.

SECT. 2 *et seq.* Fees to be paid into county treasury. St. 1904, 453 § 5.

SECT. 6 amended. City of Boston, as a party in civil actions, to pay no fees or expenses of suits to clerks of courts of Suffolk. St. 1902, 253.

Fee for rule to auditor, etc., and for *alias* execution stricken out. St. 1904, 350 § 2.

SECT. 10. Fee for taking bail fixed. St. 1907, 327.

SECT. 12. As to Dukes county, see St. 1905, 336 § 1.

SECT. 17 amended relative to payment of jurors. St. 1903, 256 § 1.

SECTS. 21, 39, 44. See St. 1907, 158.

SECT. 29. See St. 1907, 294.

Chapter 205.—Of the Rights of Persons accused of Crime.

SECT. 1. See St. 1906, 293.

SECT. 4. Male and female prisoners not to be placed in the same dock at same time in certain cases. St. 1904, 218 § 1.

Chapter 206.—Of Crimes against the Sovereignty of the Commonwealth.

Parading of foreign troops authorized in certain cases. St. 1906, 198.

SECT. 5 extended. St. 1907, 232 § 2.

Chapter 207.—Of Crimes against the Person.

Speed and operation of automobiles and motor vehicles on highways regulated. St. 1903, 473 §§ 3, 4-11; 1907, 203, 408, 580. (See 1902, 315; 1905, 311, 366; 1906, 353, 412.)

Sale of wood alcohol regulated. St. 1905, 220.

Unreasonable neglect to support wife and minor children made punishable. St. 1906, 501.

SECT. 28. See St. 1906, 386 §§ 2-4.

Chapter 208.—Of Crimes against Property.

Act to regulate sale and lease of machinery, tools, implements and appliances. St. 1907, 469.

Provision for protection of property, etc., used by commissioners on fisheries and game. St. 1906, 327.

Stealing tools of mechanics, etc., is made punishable. St. 1907, 500 § 1.

Fraudulent conversion of property by captains of vessels. St. 1907, 389.

Unauthorized performance of certain dramatic and musical compositions. St. 1904, 183.

Wilful printed misrepresentations as to merchandise made punishable. St. 1902, 397; 1907, 383.

As to sale or distribution of trading stamps or similar devices, see St. 1903, 386; 1904, 403; 1906, 523.

Sale of merchandise in bulk is restricted. St. 1903, 415.

Penalty for giving false or insufficient weight or measure. St. 1907, 394.

Wanton destruction or injury of personal property by means not mentioned in this chapter is punishable. St. 1904, 305.

The corrupt influencing of agents, employees or servants is punishable. St. 1904, 343 § 1.

SECT. 26 amended. St. 1906, 261 § 1.

SECTS. 26, 27. See St. 1902, 397; 1907, 383, 389.

SECT. 37 amended. St. 1906, 181.

SECT. 40 repealed. St. 1902, 544 § 28.

SECT. 51. See St. 1903, 415 § 1.

SECT. 60. Provision to prohibit unauthorized use of certain registered insignia, badges, etc. St. 1904, 335; 1907, 232 § 3. (See 1902, 430; 1903, 275)

SECT. 61 amended. St. 1902, 544 § 29. (See 1902, 397.)

SECT. 65. Act to prohibit false marking of articles made of gold or metal resembling gold. St. 1907, 460.

SECT. 73. See St. 1903, 415.

SECT. 80. See St. 1906, 327.

SECTS. 85, 86. See St. 1904, 370 § 4; 1905, 280 § 3; 1906, 463 III § 85.

SECT. 86 revised. St. 1904, 396.

SECTS. 91, 99, 105, 106, 111, 121. See St. 1904, 444 §§ 2, 3.

SECT. 99 amended. St. 1904, 444 § 1.

SECT. 100 amended. "Or wantonly" added. St. 1902, 544 § 30. (See 1905, 279 § 3.)

SECTS. 101, 102 amended. "Wantonly" substituted for "wilfully and maliciously." St. 1902, 544 §§ 31, 32. (See 1905, 279 § 3.)

SECT. 104 amended. St. 1905, 279 § 2.

SECT. 106 amended. St. 1902, 544 § 33.

SECT. 108. See St. 1902, 57; 1905, 381; 1906, 268.

SECTS. 109, 113. See St. 1906, 327.

SECT. 112 amended. St. 1905, 434. (See 1905, 400.)

SECT. 115 extended. St. 1903, 158.

SECTS. 117, 118. See act to prohibit misuse of vessels used in sale of milk. St. 1906, 116.

SECT. 120 revised. St. 1905, 241.

Chapter 210.—Of Crimes against Public Justice.

Act to prohibit soliciting employment by attorneys at law. St. 1907, 443.

SECTS. 14, 19. Act to prohibit conveying drugs or other articles to prisoners. St. 1905, 258.

SECT. 17. See St. 1907, 362.

Chapter 211.—Of Crimes against the Public Peace.

SECT. 9. The carrying of a loaded pistol without a license, and of certain other weapons, made punishable. St. 1906, 172 § 2.

Chapter 212.—Of Crimes against Chastity, Morality, Decency and Good Order.

Act relative to admission of persons under seventeen to dance halls and roller skating rinks. St. 1906, 384.

Advertising to perform or procure performance of marriage ceremony is punishable. St. 1902, 249.

SECT. 16 amended. St. 1905, 316.

SECT. 20 amended. St. 1904, 120.

SECT. 37 revised. St. 1905, 384 § 1. (See 1905, 384 § 2.)

SECT. 41. See St. 1906, 291 § 10.

SECT. 45 amended. St. 1905, 307 § 1; 1906, 501. (See 1906, 129 § 1; 1907, 563 § 26.)

SECT. 46 in part superseded. St. 1906, 282 § 1; 1907, 251. (See 1903, 209.)

SECT. 53 amended. St. 1906, 403 § 1. (See 1907, 494.)

SECTS. 56, 57. See St. 1904, 274; 1905, 344, 348.

SECT. 70 *et seq.* See act relative to sale and transportation of lame or diseased horses. St. 1906, 185. And humane killing of old, diseased or disabled animals. St. 1907, 363.

SECT. 73. See St. 1907, 490.

Chapter 213.—Of Crimes against the Public Health.

Spitting in certain public places and conveyances a punishable offence. St. 1906, 165; 1907, 410. Acts for protection of health. St. 1902, 322; 1903, 475; 1906, 116, 250, 386; 1907, 259.

Giving away harmful medicines, drugs, etc., prohibited. St. 1907, 180.

Chapter 214.—Of Crimes against Public Policy.

Act to prohibit unsigned political advertisements and contributions by certain corporations. St. 1907, 581.

Wilful printed misrepresentations as to merchandise or commodities made punishable. St. 1902, 397; 1907, 383.

Act relative to lease and sale of machinery, tools, implements and appliances. St. 1907, 469.

Names of persons conducting business must be recorded in certain cases. St. 1907, 539.

Sale or distribution of trading stamps or similar devices is prohibited. St. 1903, 386. (See 1904, 403.)

Act to prohibit bucketing and to abolish bucket shops. St. 1907, 414.

Corrupt influencing of agents, employees or servants is punishable. St. 1904, 343.

Act to prohibit soliciting employment by attorneys at law. St. 1907, 443.

SECT. 2 amended. St. 1907, 366.

SECT. 29 extended. St. 1902, 397; 1903, 386.

Chapter 216. — Of Proceedings to prevent the Commission of Crimes.

SECT. 15. The carrying of a loaded pistol without a license, and of certain other weapons, made punishable. St. 1906, 172 § 2.

Chapter 217. — Of Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment, Bail and Probation.

SECT. 1. See St. 1904, 367 § 2; 1905, 347 § 1.

SECTS. 3-8. See St. 1905, 347 § 1.

SECT. 11 *et seq.* Provision for identification of fugitives from justice. St. 1906, 293. (See 1905, 459.)

SECTS. 29, 30. See St. 1906, 489 § 7.

SECT. 34. See St. 1906, 413 § 5.

SECT. 35 amended. St. 1904, 164. (See 1903, 236.)

SECT. 44. See St. 1907, 176.

SECT. 52. Male and female defendants not to be placed in same dock in certain cases. St. 1904, 218 § 1.

SECT. 56. See St. 1905, 110; 1906, 180, 187.

SECT. 62 revised. St. 1906, 180. (See 1906, 187.)

SECT. 64. See St. 1907, 176.

SECT. 65. See St. 1906, 413 § 5.

SECT. 77 amended. St. 1906, 221.

SECT. 79 amended. St. 1903, 236 § 1.

SECT. 81 amended. St. 1905, 295; 1906, 329; 1907, 261.

SECT. 81 *et seq.* See St. 1906, 489 § 6; 1907, 223.

SECTS. 83, 86. See St. 1906, 291 § 10.

SECT. 84 *et seq.* Provision for restitution or reparation in certain cases. St. 1907, 335. (See 1906, 413.)

SECT. 85 *et seq.* Probation officers of superior court shall report to board of prison commissioners if required. St. 1902, 196.

SECT. 94 amended. St. 1906, 440.

Chapter 218. — Of Indictments and Proceedings before Trial.

SECT. 15. See St. 1906, 413 § 11.

SECT. 58. See St. 1907, 158.

SECT. 67. See St. 1906, 501.

Chapter 219. — Of Trials and Proceedings before Judgment.

Male and female prisoners not to be placed in same dock in certain cases. St. 1904, 218 § 1.

SECTS. 11, 12 revised. St. 1904, 257 § 1.

SECT. 22 amended. St. 1905, 319. (See 1906, 413 § 5.)

Chapter 220.—Of Judgment and Execution.

SECT. 1 revised. St. 1905, 338 § 1. (See 1905, 307; 1906, 413 § 5, 501 § 3; 1907, 335.)

SECT. 4 amended. Unless otherwise provided, a person convicted of a misdemeanor, punishable by imprisonment, may be sentenced to jail or house of correction. St. 1902, 544 § 34.

SECTS. 15, 16. Sentences to reformatory prison for women regulated. St. 1903, 209 §§ 1-3; 1906, 282; 1907, 251.

SECT. 16 amended. St. 1904, 224.

SECT. 18. See St. 1906, 413 § 8.

SECT. 20. See St. 1906, 261 § 2.

SECT. 21 amended as to term of imprisonment. St. 1904, 303.

SECT. 29 revised. St. 1907, 252.

Chapter 222.—Of the Board of Prison Commissioners.

Provision for hospital for prisoners having tubercular disease. St. 1905, 355; 1906, 243. For identifying certain persons held in prison. St. 1905, 459; 1906, 293.

SECT. 3. See St. 1902, 196; 1903, 209 §§ 4, 5, 212, 452; 1905, 355, 459 § 2; 1906, 243, 293, 302.

SECT. 6. See St. 1905, 311 § 6.

SECT. 7. See St. 1906, 291 § 10.

SECT. 9. See St. 1905, 211 § 1.

Chapter 223.—Of the State Prison, the Massachusetts Reformatory and the Reformatory Prison for Women.

SECT. 6. Certain advances authorized. St. 1907, 466.

SECT. 14. See St. 1905, 355; 1906, 243, 302.

SECT. 17 amended. St. 1906, 242 § 1.

SECT. 19. Salary changed: physician and surgeon. St. 1902, 454.

SECT. 24. See St. 1907, 466.

SECT. 28. Sentences regulated. St. 1903, 209; 1906, 282; 1907, 251. (See 1906, 302.)

SECT. 29. See St. 1906, 302.

SECT. 34. See St. 1907, 466

SECT. 37 repealed. St. 1904, 205 § 1.

Chapter 224.—Of Jails and Houses of Correction.

SECT. 11. See St. 1895, 449 § 14; 1896, 521, 536; 1897, 395.

SECTS. 18, 20. See St. 1905, 231.

SECT. 24. See St. 1906, 150.

SECT. 26. See St. 1906, 302.

SECTS. 34-37 repealed. St. 1904, 211.

Chapter 225.—Of the Officers and Inmates of Penal and Reformatory Institutions, and of Pardons.

SECT. 7. See St. 1907, 466.

SECT. 9. See St. 1905, 211 § 1.

SECT. 10 amended. St. 1904, 214.

SECT. 18 revised and extended. St. 1904, 241 § 1; 1905, 459 § 1; 1906, 293.

SECTS. 20, 21. See St. 1906, 293.

SECT. 28 amended. St. 1903, 207 § 1.

SECT. 29 revised. St. 1905, 244.

SECT. 51 amended. St. 1903, 213 § 1.

SECT. 65. See St. 1906, 243.

SECT. 66 repealed and new provisions made. St. 1904, 243. (See 1905, 258.)

SECT. 72 amended. St. 1904, 363 § 1.

SECT. 72 *et seq.* See St. 1905, 464.

SECT. 80 *et seq.* See St. 1905, 355; 1906, 243, 302.

SECT. 86. See St. 1906, 282; 1907, 251.

SECT. 96 amended. St. 1905, 240.

SECT. 100. See St. 1905, 355 §§ 2, 3; 1906, 243, 302.

SECT. 101 amended. St. 1906, 472 § 1. (See 1904, 278 § 2.)

SECTS. 107–111. See act relative to expense of removing prisoners. St. 1906, 324.

SECT. 108 revised. St. 1903, 354 § 1; 1906, 324.

SECT. 117 amended. St. 1906, 244.

SECT. 121 amended. St. 1902, 227. (See 1902, 196.)

SECT. 129 revised. St. 1903, 452 § 1. (See 1903, 209 § 5.)

SECT. 131. See St. 1906, 243 § 2.

SECT. 136 amended. St. 1903, 212 § 1.

SECT. 137 amended. St. 1905, 235.

II

CHANGES IN THE GENERAL LAWS

PASSED SINCE THE ENACTMENT OF THE "REVISED
LAWS"

Statutes of 1902

Chap.

- 55 See 1906, 487. R. L. 6.
- 57 Affected, 1905, 381; 1906, 268; 1907, 521. § 2 repealed, 1905,
381 § 10. R. L. 25, 26, 101.
- 85 See 1905, 122. R. L. 92.
- 90 Repealed, 1907, 560 § 456. (See 1903, 279 §§ 5, 16.) R. L. 11.
- 106 Superseded, 1907, 576 §§ 15, 122. R. L. 118.
- 108 Repealed, 1906, 171 § 3. (See 1903, 253.) R. L. 32.
- 109 Limited, 1907, 311. R. L. 25.
- 114 See 1902, 534. R. L. 112.
- 116 § 3; see 1905, 211 § 1. R. L. 89, 90.
- 127 § 1 amended, 1907, 250 § 2. R. L. 92.
- 137 Amended, 1906, 314 § 2. (See 1903, 205.) R. L. 91.
- 142 §§ 2, 3 repealed, 1904, 433 § 3. (See 1903, 365 § 1; 1904, 370
§§ 1, 3.) R. L. 32, 108.
- 154 § 1 superseded, 1905, 245. R. L. 92.
- 157 Repeal and substitute, 1907, 560 §§ 200, 456. (See 1903, 454 § 9;
1905, 386 § 6.) R. L. 11.
- 158 Superseded, 1905, 465 §§ 87, 194. R. L. 16.
- 165 Superseded, 1905, 406; 1906, 303. (See 1904, 366 § 3.) R. L. 92.
- 171 § 1 amended, 1905, 206 § 1. R. L. 100.
- 177 Superseded, 1907, 139 § 2, 276. (See 1903, 120; 1905, 149.)
R. L. 6.
- 187 §§ 1, 4; see 1906, 291 § 4. R. L. 102.
- 189 See 1907, 238. R. L. 75.
- 190 § 2 superseded, 1902, 544 §§ 10, 35. R. L. 75.
- 192 Affected, 1904, 381; 1907, 43. § 4 superseded, 1903, 420 § 1;
1904, 381 § 1. R. L. 79.
- 206 § 1 amended, 1906, 365 § 4. § 2 superseded, 1906, 365 § 2.
(See 1907, 183.) R. L. 75.
- 211 Repealed, 1903, 279 § 18. R. L. 11.
- 213 § 1 superseded, 1907, 386 § 1; § 2 amended, 1907, 386 § 2. (See
1904, 395 § 2; 1907, 183.) R. L. 75.

Chap.

- 216 See 1904, 381 § 1. R. L. 79.
- 225 Superseded, 1907, 560 §§ 93, 456. (See 1902, 492.) R. L. 11.
- 226 Amended, 1904, 127. (See 1904, 283.) R. L. 20, 102.
- 228 § 6 superseded, 1907, 54. (See 1903, 464.) R. L. 58, 121.
- 230 See 1905, 275. R. L. 9.
- 246 Affected, 1903, 280. R. L. 47.
- 250 See 1902, 292; 1904, 381 §§ 17, 18. R. L. 79.
- 251 Superseded, 1904, 381 § 3. R. L. 79.
- 288 Superseded, 1906, 463 III §§ 38, 158. R. L. 112.
- 292 Superseded, 1904, 381 § 17. R. L. 79.
- 298 Superseded, 1906, 463 I §§ 30, 31, 37, 68. (See 1902, 440; 1905, 408.) R. L. 111.
- 299 Superseded, 1904, 453 §§ 1, 6. R. L. 160.
- 312 § 2 amended, 1903, 220 § 2. R. L. 75.
- 313 In part superseded, 1905, 327 §§ 1, 2. R. L. 66.
- 314 Amended, 1906, 413, § 3. R. L. 86.
- 315 Repealed, 1903, 473 § 15. (See 1905, 311; 1906, 353.) R. L. 47, 52, 102.
- 320 Superseded, 1904, 453 §§ 1, 6. R. L. 160.
- 321 See 1907, 140, 190, 308. R. L. 76, 100.
- 322 Affected, 1907, 537 § 5. R. L. 106.
- 324 See 1902, 474; 1904, 163; 1907, 390. R. L. 145, 151, 152.
- 327 See 1906, 281 § 1; 1907, 140, 190, 308. R. L. 76.
- 336 Superseded, 1905, 465 § 14. (See 1904, 439.) R. L. 16.
- 340 Repealed, 1907, 576 § 122. R. L. 118.
- 342 §§ 2, 3, 4, 5 in part repealed, 1903, 437 § 95. (See 1906, 463 II § 212.) R. L. 14.
- 346 Superseded, 1907, 560 §§ 359, 456. R. L. 11.
- 348 Superseded, 1907, 560 §§ 60, 456. (See 1902, 512.) R. L. 11.
- 349 See 1906, 372. R. L. 126.
- 355 Affected, 1906, 204 § 4. R. L. 113, 116.
- 356 Superseded, 1904, 453 §§ 1, 6. R. L. 160.
- 358 Superseded, 1904, 451 § 3. R. L. 165.
- 360 Superseded, 1904, 453 § 1. R. L. 160.
- 368 § 1 amended, 1906, 355 § 2. R. L. 160.
- 370 Superseded, 1906, 463 III §§ 103, 158. (See 1902, 441; 1903, 437 §§ 14-16, 27.) R. L. 112.
- 378 Superseded, 1904, 453 § 1. R. L. 160.
- 383 § 1 superseded, 1903, 472 § 2; 1907, 286. R. L. 157.
- 384 Superseded, 1907, 560 §§ 447, 456. (See 1904, 334 § 1.) R. L. 11.
- 391 See 1907, 524. R. L. 75.
- 395 Repealed, 1906, 463 III § 158. R. L. 112.
- 396 Repealed, 1906, 463 III § 158. R. L. 112.
- 397 See 1907, 383. R. L. 214.
- 399 Repealed, 1906, 463 III §§ 7, 64, 65, 158. (See 1906, 339.) R. L. 112.
- 402 Superseded, 1906, 463 I §§ 2, 68. (See 1904, 96.) R. L. 111.
- 411 Superseded, 1902, 544 §§ 4, 35. (See 1904, 451 § 1, cl. H.) R. L. 20.

Chap.

- 414 See 1907, 577. R. L. 98.
- 416 § 3 in part superseded, 1904, 453 § 1. R. L. 100.
- 423 § 1 amended, 1905, 193 § 1. R. L. 13.
- 430 Repealed, 1904, 335 § 3. (See 1903, 275.) R. L. 72, 208.
- 432 Superseded, 1906, 463 I §§ 2, 68. (See 1904, 429; 1906, 417.) R. L. 111.
- 433 In part superseded, 1906, 200. R. L. 42.
- 440 Superseded, 1906, 463 I §§ 29-45, 68. (See 1902, 298, 507; 1905, 408.) R. L. 111.
- 441 In part repealed, 1903, 437 §§ 27, 95. R. L. 109.
- 443 § 1 amended, 1905, 325 § 2. R. L. 13.
- 446 § 1 amended, 1904, 313 § 1. R. L. 106.
- 449 Superseded, 1906, 463 III §§ 60-63, 158. (See 1906, 218.) R. L. 34, 112.
- 450 § 1 amended, 1906, 427; 1907, 193. R. L. 106.
- 457 Superseded, 1907, 534 § 2. R. L. 62.
- 458 Affected, 1905, 288. (See 1904, 448 §§ 3, 8; 1905, 249.) R. L. 128.
- 462 Superseded, 1904, 451 § 1. R. L. 165.
- 463 Repealed, 1906, 347 § 5. (See 1906, 66 § 1, 204 § 3.) R. L. 115, 126.
- 471 Superseded, 1905, 157 §§ 3, 5; 1906, 460 § 2. R. L. 7.
- 473 Superseded, 1907, 563 §§ 6, 26. (See 1903, 276; 1907, 452.) R. L. 15.
- 474 Amended, 1904, 163. R. L. 145.
- 483 Superseded, 1906, 463 III §§ 147-149, 158. (See 1904, 210; 1906, 204.) R. L. 112, 113.
- 485 § 4 affected, 1906, 291. R. L. 100.
- 490 Superseded, 1906, 204 § 2. R. L. 113.
- 492 Superseded, 1907, 560 §§ 93, 456. R. L. 11.
- 493 Superseded, 1905, 465 § 180. R. L. 16.
- 495 § 1 amended, 1907, 321 § 1. § 5 revised, 1907, 321 § 2. § 7 revised, 1907, 321 § 3. New sections 8-13 added, 1907, 321 §§ 4-9. (See 1904, 409 § 3.) R. L. 89.
- 499 See 1904, 451 § 3; 1905, 380. R. L. 165.
- 505 § 2 in part superseded, 1907, 399. § 3 amended, 1903, 228. (See 1903, 249 § 1.) R. L. 76.
- 506 Superseded, 1907, 560 §§ 109, 456. (See 1904, 179.) R. L. 11.
- 507 In part repealed, 1906, 463 I §§ 44, 68. R. L. 111.
- 512 Superseded, 1907, 560 §§ 60, 456. R. L. 11.
- 513 Superseded, 1904, 451 § 3. R. L. 165.
- 521 See 1906, 258, 393. R. L. 48.
- 523 § 1 in part superseded, 1906, 109 § 2. R. L. 4.
- 524 Affected, 1906, 291 § 4. R. L. 100.
- 530 Superseded, 1905, 157 §§ 2, 5. R. L. 7.
- 531 § 1 amended, 1906, 151. R. L. 65.
- 533 Superseded, 1906, 463 I §§ 23, 68. R. L. 111.
- 534 Limited, 1907, 573 § 17. § 6 amended, 1907, 258. (See 1904, 167.) R. L. 112.

Chap.

- 537 Repealed, 1907, 560 § 456. (See 1903, 425, 426, 450, 453, 474; 1905, 386; 1906, 444.) R. L. 11.
- 542 See 1905, 400. R. L. 87.
- 544 § 2 repealed, 1907, 560 § 456. R. L. 11. § 4 in part superseded, 1904, 451 § 1. § 11 amended, 1905, 190. (See 1903, 205; 1906, 314.) R. L. 91. § 13 superseded, 1906, 463 II §§ 193, 258. R. L. 111. § 14 superseded and §§ 15-19 repealed, 1903, 241. (See 1904, 206 § 1; 1906, 224 § 1.) R. L. 144. § 20 repealed, 1904, 206 § 2. R. L. 144. § 22 amended, 1904, 302. R. L. 154. § 32 affected, 1905, 279 § 3. R. L. 208. § 34; see 1903, 209 § 1. R. L. 220.

Statutes of 1903

- 96 § 1 amended, 1905, 127 § 1; 1907, 169 § 3. R. L. 145.
- 100 § 1 amended, 1904, 283. R. L. 102.
- 102 § 2 affected, 1904, 288 § 1. § 3 amended, 1904, 143 § 1. R. L. 19.
- 109 Repealed, 1907, 121. R. L. 6.
- 120 Superseded, 1905, 149; 1907, 139 § 2, 276. R. L. 6.
- 122 §§ 5, 7 amended, 1907, 66. § 10 amended, 1904, 332 § 1. R. L. 57.
- 134 Superseded, 1906, 463 III §§ 90, 158. R. L. 112.
- 137 See 1904, 451 § 3. R. L. 165.
- 143 Superseded, 1906, 463 III §§ 74, 158. (See 1905, 376 § 1.) R. L. 112.
- 151 § 1 superseded, 1905, 465 § 64. (See 1905, 202.) R. L. 16.
- 158 § 1; see 1905, 205. R. L. 28, 48.
- 162 Amended, 1905, 414; 1907, 99. (See 1903, 244.) R. L. 92.
- 173 Superseded, 1906, 463 I §§ 7, 68. (See 1904, 265; 1906, 266.) R. L. 111.
- 174 Superseded, 1907, 576 §§ 46, 122. R. L. 118.
- 179 Superseded, 1907, 323. R. L. 160.
- 202 Superseded, 1906, 463 III §§ 41, 158; 1907, 402. (See 1904, 441.) R. L. 112.
- 205 Extended, 1906, 263 § 1. R. L. 91.
- 209 § 1 affected, 1906, 282 § 2; 1907, 251 § 1. §§ 2, 3 affected, 1907, 251 § 2. (See 1904, 224; 1906, 282 § 1.) R. L. 220.
- 214 § 2 in part superseded, 1904, 453 § 1, cl. G. R. L. 160.
- 219 Amended, 1905, 289 § 2. R. L. 76.
- 222 Affected, 1907, 447. R. L. 148.
- 223 Superseded, 1907, 576 §§ 11, 122. (See 1905, 287.) R. L. 118.
- 226 § 3 repealed, 1905, 169. (See 1904, 263.) R. L. 6.
- 236 See 1904, 164. R. L. 217.
- 237 Amended, 1906, 117. R. L. 122.
- 241 § 1 amended, 1906, 224 § 1. (See 1904, 206 § 1.) R. L. 144.
- 245 Superseded, 1905, 419; 1907, 307. R. L. 92.
- 247 Superseded, 1905, 465 § 145. R. L. 16.

Chap.

- 248 Superseded, 1907, 563 §§ 4, 26. R. L. 15.
- 249 § 1 amended, 1906, 503 § 1. § 4 amended, 1906, 503 § 2. § 8 amended, 1907, 314 § 1. (See 1906, 503 § 3.) § 9 amended, 1907, 314 § 2. R. L. 76.
- 251 Superseded, 1907, 563 §§ 7, 26. (See 1904, 421.) R. L. 6, 15.
- 253 Affected, 1906, 171. R. L. 32.
- 260 § 1 amended, 1905, 124 § 1. R. L. 138.
- 274 Amended, 1907, 306. R. L. 91.
- 275 Repealed, 1904, 335. R. L. 72, 208.
- 276 Superseded, 1907, 563 §§ 6, 26. (See 1907, 452.) R. L. 15.
- 279 Superseded, 1907, 560 §§ 69-76. (See 1903, 474; 1904, 245, 294; 1905, 318; 1906, 291, 444; 1907, 387, 429.) R. L. 11.
- 280 § 2 revised, 1904, 244 § 1. R. L. 47.
- 283 § 1; see Res. 1905, 2. R. L. 6.
- 287 Amended, 1907, 250 § 1. R. L. 92.
- 291 Affected, 1905, 211 § 1. R. L. 9.
- 294 Superseded, 1904, 308. (See 1906, 239.) R. L. 91.
- 297 Superseded, 1906, 463 I §§ 62, 68. R. L. 111.
- 299 See 1904, 215. R. L. 38, 42.
- 301 Repealed, 1907, 550 § 13. R. L. 104.
- 305 § 1 amended, 1906, 415 § 1. R. L. 29.
- 318 Repealed, 1907, 560 § 456. (See 1907, 429 § 13.) R. L. 11.
- 330 §§ 1, 2, 3 amended, 1904, 220 §§ 1, 2, 3. Affected, 1906, 389. R. L. 46.
- 331 § 1 amended, 1905, 205. R. L. 28, 48.
- 334 In part superseded, 1906, 489. (See 1904, 356; 1906, 501; 1907, 137, 158, 195.) R. L. 83, 160.
- 354 See 1906, 324. R. L. 225.
- 356 See 1904, 246. R. L. 75.
- 365 § 1 repealed, 1904, 433 § 3. (See 1904, 370 §§ 1-3.) R. L. 108.
- 368 Superseded, 1907, 560 §§ 217-228, 456. (See 1905, 313 § 1.) R. L. 11.
- 377 Superseded, 1905, 465 § 31. R. L. 16.
- 383 § 3 amended, 1907, 464. R. L. 49.
- 386 See 1904, 403; 1906, 523. R. L. 208.
- 387 Superseded, 1904, 381 § 3, cl. 4. R. L. 79.
- 395 Superseded, 1905, 157 §§ 2, 5. R. L. 7.
- 400 See 1904, 278; 1905, 458. R. L. 87.
- 408 § 2 amended, 1905, 209 § 1. R. L. 57.
- 412 § 2 in part superseded, 1904, 453 § 2. R. L. 160.
- 420 § 1 superseded, 1904, 381 § 1. (See 1907, 43.) R. L. 79.
- 421 Superseded, 1907, 576 §§ 7, 122. R. L. 118.
- 423 In part repealed, 1906, 463 II §§ 41, 258, III § 158. (See 1903, 437.) R. L. 109.
- 425 Repealed, 1907, 560 § 456. R. L. 11.
- 430 Superseded, 1907, 560 §§ 19, 456. (See 1904, 294 § 3; 1907, 429 § 3.) R. L. 11.
- 432 Repealed, 1907, 571 § 2. R. L. 65.

Chap.

- 437 § 2; see 1907, 414 § 2. § 3; see 1906, 433 § 4. § 7 amended, 1906, 286 § 1. §§ 9, 10; see 1906, 463 II §§ 29, 30, III §§ 10, 11. § 12; see 1907, 282. §§ 14, 40; see 1905, 189. § 15; see 1906, 463 II § 45. §§ 17, 18; see 1906, 463 II §§ 31, 32, III §§ 12, 13. § 20 amended, 1904, 207. §§ 20-32; see 1906, 463 II §§ 33-44, III §§ 14-25. § 45; see 1907, 282, 395, 586. § 49 amended, 1906, 346 § 1. § 50; see 1907, 414 § 2. § 53 amended, 1905, 156. § 56 *et seq.*; see 1906, 269, 347, 372. § 58 amended, 1905, 242. (See 1906, 269, 372; 1907, 332.) § 60; see 1906, 372. § 66 amended, 1905, 233. § 68 revised, 1906, 346 § 2. § 71; see 1907, 586. §§ 71-87; see 1904, 442. § 72; see 1907, 395. § 74 amended, 1904, 261 § 1; 1906, 271 § 12. § 75 amended, 1907, 578. § 77 amended, 1906, 271 § 13. § 88 amended, 1907, 396 § 1. § 89 amended, 1907, 396 § 2. § 94; see 1905, 330. (See also 1905, 222; 1906, 66, 377, 437, 463 I and II.) R. L. 14, 109, 110, 126.
- 450 Repealed, 1907, 560 §§ 166, 456. (See 1903, 453, 454.) R. L. 11.
- 453 Repealed, 1907, 560 § 456. R. L. 11.
- 454 Repealed, 1907, 560 § 456. (See 1903, 474 § 6; 1904, 41, 179, 293, 377; 1905, 386; 1907, 429 § 14.) R. L. 11.
- 455 § 1 amended, 1905, 218 § 2; 1907, 359. R. L. 10.
- 456 Affected, 1904, 107, 234. R. L. 39, 41.
- 457 §§ 1, 2 superseded, 1905, 465 §§ 122, 123. (See 1904, 371; 1905, 391.) R. L. 16.
- 467 Amended, 1907, 208. R. L. 75.
- 471 § 1 in part repealed, 1904, 458 §§ 6, 7. R. L. 6, 79.
- 472 § 2 superseded, 1907, 286. § 3; see 1904, 451 § 3; 1906, 276. R. L. 157, 165.
- 473 § 1 amended, 1905, 311 § 2; 1906, 412 § 8; 1907, 580 § 1. § 2 amended, 1905, 311 § 3; 1907, 580 § 2. § 4 amended, 1905, 311 § 4. § 6 repealed, 1905, 311 § 7. § 8 revised, 1906, 412 § 1. (See 1905, 366 § 1.) § 9 amended, 1905, 311 § 5; 1906, 412 § 3; 1907, 203. § 12 revised, 1907, 580 § 3. § 14 repealed, 1905, 366 § 2. (See 1906, 353; 1907, 408, 494.) R. L. 47, 52, 54, 102.
- 474 Repealed, 1907, 560 § 456. (See 1904, 293; 1905, 386; 1906, 291, 444.) R. L. 11.
- 475 See 1907, 537 § 5. R. L. 75.
- 476 Superseded, 1906, 463 III §§ 43, 158. R. L. 112.
- 478 Superseded, 1906, 463 I §§ 37, 68. (See 1905, 408.) R. L. 111.
- 480 § 1; see 1905, 344. R. L. 75.
- 481 Superseded, 1907, 356. R. L. 16.
- 484 §§ 2, 3 revised, 1906, 434 §§ 1, 2. § 4 repealed, 1906, 434 § 3. R. L. 6, 102.

Statutes of 1904

Chap.

- 41 Repealed, 1907, 560 § 456. (See 1904, 179, 377.) R. L. 11.
- 59 Superseded, 1906, 463 II §§ 233, 258. (See 1905, 208.) R. L. 111.
- 87 § 1 amended, 1906, 126 § 1. R. L. 3.
- 96 Superseded, 1906, 463 I §§ 2, 68. R. L. 111.
- 99 Amended, 1907, 464 § 2. (See 1906, 322.) R. L. 14.
- 108 See 1904, 117, 317, 443. R. L. 47.
- 110 Superseded, 1906, 463 III §§ 80, 158. R. L. 112.
- 116 § 1 amended, 1905, 81. (See 1906, 239.) R. L. 91.
- 118 See 1906, 239. R. L. 91.
- 125 See 1907, 196. R. L. 25.
- 127 See 1904, 283. R. L. 102.
- 142 Amended, 1907, 241. R. L. 102.
- 169 Superseded, 1906, 463 II §§ 256, 258. R. L. 111.
- 179 Repealed, 1907, 560 § 456. (See 1904, 377; 1905, 386 § 13; 1906, 444 § 1.) R. L. 11.
- 181 Amended, 1906, 271 § 11. R. L. 12.
- 183 See 1904, 450, 460 § 4. R. L. 102.
- 201 Superseded, 1907, 560 §§ 261, 456. R. L. 11.
- 207 Affected, 1905, 222. R. L. 109, 110.
- 210 Superseded, 1906, 463 III §§ 150, 158. R. L. 112.
- 217 § 1 amended, 1907, 73 § 1; 1907, 236 § 1. R. L. 146.
- 220 Affected, 1906, 389. R. L. 46.
- 224 In part superseded, 1906, 282; 1907, 251. R. L. 220, 223.
- 226 § 1 superseded, 1905, 465 § 153. (See 1906, 139.) R. L. 16.
- 227 See 1907, 550. R. L. 104.
- 231 § 1 superseded, 1905, 465 § 83. § 3, see 1905, 465 § 84. R. L. 16.
- 240 Superseded, 1907, 576 §§ 60, 122. R. L. 118.
- 241 § 1 affected, 1905, 459. R. L. 225.
- 243 See 1905, 258, 355; 1906, 243. R. L. 225.
- 245 Repealed, 1907, 560 § 456. (See 1905, 318; 1906, 291, 444; 1907, 387.) R. L. 11.
- 248 See 1905, 211. R. L. 125.
- 261 § 1 amended, 1906, 271 § 12. (See 1904, 442; 1907, 586.) R. L. 12, 14.
- 263 See 1905, 169. R. L. 6.
- 265 Superseded, 1906, 463 I §§ 7, 68. (See 1906, 266.) R. L. 111.
- 267 Superseded, 1906, 463 III §§ 102, 158. R. L. 112.
- 269 § 6 amended, 1905, 265 § 1. R. L. 91.
- 274 § 1 amended, 1905, 348 § 1. (See 1905, 344.) R. L. 30, 81.
- 275 Superseded, 1907, 560 §§ 121, 456. (See 1907, 429 § 5.) R. L. 11.
- 278 See 1905, 475 § 2. R. L. 87.
- 282 See 1907, 297. R. L. 91.
- 286 § 1 amended, 1907, 442 § 3. § 2 amended, 1906, 265 § 1. (See 1904, 455 § 1.) R. L. 164.
- 287 Affected, 1907, 234. R. L. 165.

Chap.

- 293 Repealed, 1907, 560 § 456. R. L. 11.
- 294 Superseded, 1907, 560 §§ 19, 456. (See 1907, 429 § 3.) R. L. 11.
- 300 Superseded, 1907, 576 §§ 43, 122 R. L. 118.
- 301 § 1 affected, 1905, 281 §§ 1, 2. R. L. 91.
- 304 Repealed, 1907, 576 § 122. R. L. 118.
- 307 Superseded, 1906, 257 § 1. R. L. 176.
- 308 Limited, 1906, 239 § 2. R. L. 91.
- 310 Superseded, 1907, 560 §§ 415, 422, 456. R. L. 11.
- 314 § 2 amended, 1905, 243. (See 1906, 210 § 2.) R. L. 19, 106.
- 317 See 1904, 443 §§ 2, 6; 1905, 266, 390. R. L. 28, 48, 49.
- 327 § 1; see 1907, 136. R. L. 25.
- 333 Affected, 1905, 383; 1907, 550. R. L. 104.
- 334 Superseded, 1907, 560 §§ 447, 456. R. L. 11.
- 335 § 2 extended, 1907, 232 § 3. R. L. 72, 208.
- 336 § 1 amended, 1905, 426 § 1. R. L. 101.
- 344 § 2 revised, 1905, 144 § 1. R. L. 25.
- 348 See 1905, 110; 1906, 187. R. L. 165.
- 353 In part superseded, 1906, 291 §§ 8, 10. R. L. 102, 108.
- 356 See 1906, 413, 489, 501; 1907, 137, 158, 195. R. L. 46, 83, 212.
- 357 Superseded, 1906, 463 I §§ 9, 10, 68. R. L. 111.
- 361 § 1 superseded, 1905, 465 §§ 90, 157; 468 § 1. (See 1905, 468 § 2.) R. L. 16.
- 363 § 1; see 1905, 464. R. L. 225.
- 364 Repealed, 1905, 417 § 2. R. L. 25, 91.
- 366 Repealed, 1907, 161. (See 1905, 406; 1906, 303; 1907, 166.) R. L. 92.
- 368 See 1907, 550. R. L. 104.
- 370 §§ 1-4 revised, and new sections added, 1905, 280. (See 1905, 433.) R. L. 32, 102.
- 371 § 1 superseded, 1905, 465 § 112. (See 1905, 391.) R. L. 16.
- 372 § 2; see 1904, 453 § 1; 1906, 248. R. L. 160.
- 373 Superseded, 1906, 463 II §§ 117-121, 158. R. L. 112.
- 374 § 3 superseded, 1906, 204 §§ 5-7. § 7 revised, 1905, 331 § 1. R. L. 116.
- 375 Superseded, 1907, 560 §§ 326-329, 333, 456. R. L. 11.
- 377 Repealed, 1905, 386 § 18. (See 1907, 560.) R. L. 11.
- 380 Repealed, 1907, 560 § 456. R. L. 11.
- 381 § 1 amended, 1907, 43. §§ 17, 18 amended, 1907, 354 §§ 1, 2. R. L. 79.
- 383 § 1 amended, 1905, 260 § 1. R. L. 40.
- 386 § 1 superseded, 1906, 416 § 1. R. L. 128.
- 388 See 1907, 66. R. L. 89.
- 392 Affected, 1906, 204. R. L. 113, 114.
- 395 See 1906, 225, 365; 1907, 183, 386. R. L. 75.
- 396 In part superseded, 1906, 463 III §§ 85, 158. R. L. 112.
- 397 See 1906, 284 § 2. R. L. 106.
- 401 § 1 extended, 1905, 92 § 1. § 2 affected, 1906, 59. R. L. 164.
- 403 See 1906, 523 § 1. R. L. 12.

Chap.

- 409 § 1 amended, 1907, 473 § 1. § 3 amended, 1905, 211 § 1. § 6 amended, 1907, 473 § 2. Affected, 1907, 475 §§ 1, 4, 8. R. L. 32, 89.
- 410 See 1905, 465 § 13. R. L. 9.
- 421 Superseded, 1907, 563 §§ 7, 26. R. L. 15.
- 427 Affected, 1906, 204. R. L. 113, 117.
- 429 Superseded, 1906, 463 I §§ 3, 68. R. L. 111.
- 432 § 1 superseded, 1905, 213; 1907, 224. (See 1906, 284.) R. L. 106.
- 433 § 1 in part repealed, 1905, 247 § 2, 461 § 2. R. L. 108.
- 439 Superseded, 1905, 465 § 14. R. L. 16.
- 440 Superseded, 1907, 139 § 2. R. L. 6.
- 441 Superseded, 1906, 463 III §§ 41, 158; 1907, 402. R. L. 112.
- 442 § 2; see 1907, 395. R. L. 14.
- 443 Extended, 1905, 390. (See 1905, 266.) R. L. 25, 28, 48.
- 446 § 1 amended, 1907, 226. § 13 amended, 1905, 128. R. L. 83, 87.
- 448 § 1; see 1906, 50, 344. § 3; see 1905, 249 § 5, 288. § 6; see 1905, 195. § 9 amended, 1905, 286. § 10 amended, 1905, 249 § 1. § 11 added, 1905, 291. (See 1905, 249 § 4, 296.) R. L. 128.
- 450 §§ 1, 3, 4 affected, 1906, 105 § 1. § 2 revised, 1905, 342 § 1. (See 1904, 460 § 4.) § 4; see 1905, 176. § 7 repealed, 1905, 342 § 3. § 8; see 1906, 105 § 2. § 10; see 1906, 105 § 4. § 15; see 1905, 341 § 1; 1907, 274. R. L. 102.
- 451 § 1, cl. C, amended, 1905, 179. Cl. I amended, 1906, 290 § 1. § 3 in part superseded, 1905, 380; 1907, 145 § 2, 253. (See 1902, 499 § 1; 1906, 276 § 1.) R. L. 20, 21, 165.
- 453 Affected, 1905, 339. § 1, Cl. B and C amended, 1906, 165. Cl. E amended, 1906, 325 § 1. Cl. F amended, 1906, 325 § 2; 1907, 128 § 1. Cl. H amended, 1905, 443 § 1; 1907, 128 § 2. (See 1905, 133, 192.) Cl. I amended, 1905, 443 § 2; 1907, 128 § 3. (See 1906, 351.) § 2 repealed, 1907, 128 § 4. § 6; see 1905, 339 § 2. R. L. 160.
- 454 § 1 in part superseded, 1906, 449 § 1, 450 § 1. R. L. 160.
- 455 § 1 amended, 1906, 265 § 1; 1907, 207 § 1, 442 §§ 4, 5. R. L. 164.
- 459 § 1 amended, 1905, 447 § 1. R. L. 87.
- 460 § 4 amended, 1905, 341 § 1; 1907, 274 § 1. § 5 amended, 1907, 309. (See 1907, 577.) R. L. 102.

Statutes of 1905

- 73 § 1 amended, 1906, 482 § 1. R. L. 92.
- 80 Superseded, 1906, 463 III §§ 4, 5, 158. R. L. 112.
- 81 See 1906, 239. R. L. 91.
- 92 See 1906, 59. R. L. 164.
- 110 Superseded, 1906, 187. (See 1906, 180.) R. L. 165.
- 111 Superseded, 1907, 560 §§ 247, 456. R. L. 11.
- 122 See 1905, 406. R. L. 92.

Chap.

- 127 § 1 amended, 1907, 169 § 3. R. L. 145.
 134 Repealed, 1906, 463 III §§ 86, 158. R. L. 112.
 149 Superseded, 1907, 139 § 2, 276. R. L. 6.
 150 See 1907, 458. R. L. 19.
 155 In part superseded, 1907, 401. R. L. 89.
 157 § 3 superseded, 1906, 460 § 2. R. L. 7.
 159 Superseded, 1907, 474 §§ 1, 15. R. L. 87, 89.
 175 See 1905, 211 § 1, 400; 1906, 508. R. L. 87.
 176 Extended, 1905, 437. R. L. 104.
 191 Superseded, 1907, 576 §§ 102, 122. R. L. 118.
 202 § 1; see 1905, 465 § 157. R. L. 16.
 204 Superseded, 1907, 571 § 1. R. L. 65.
 208 Superseded, 1906, 463 II §§ 234, 258. R. L. 111.
 210 Superseded, 1906, 463 II §§ 233, 258. R. L. 111.
 211 §§ 1, 6 *et seq.*; see 1906, 235 § 1. § 3 superseded, 1907, 139 § 1. R. L. 6, 75.
 213 § 1 amended, 1907, 224 § 1. (See 1905, 267 § 2.) R. L. 106.
 216 § 1 superseded, 1906, 275 § 1. R. L. 125.
 218 § 2 amended, 1907, 359. R. L. 10.
 236 § 1 amended, 1906, 305 § 1. R. L. 75.
 238 Affected, 1907, 537 § 5. R. L. 106.
 242 See 1906, 269, 372. R. L. 126, 167.
 243 § 1; see 1906, 210 § 2. R. L. 19, 108.
 247 See 1905, 461. R. L. 108.
 249 See 1905, 288; 1906, 50, 344. R. L. 128.
 251 §§ 1, 2 amended, 1907, 480 § 1. R. L. 75.
 267 Affected, 1906, 284, 499. (See 1907, 224.) R. L. 106.
 273 See 1906, 274, 301. R. L. 92.
 287 Superseded, 1907, 576 §§ 11, 122. R. L. 118.
 295 Amended, 1906, 329; 1907, 261. R. L. 217.
 298 §§ 1, 2 superseded, 1905, 465 § 120; 1906, 469 § 1, 504 § 9; 1907, 526 § 11. R. L. 16.
 307 Repealed, 1907, 563 § 26. (See 1905, 338; 1906, 501.) R. L. 212, 220.
 308 Affected, 1906, 390. R. L. 102, 189.
 310 § 2 superseded, 1907, 373 § 2. (See 1906, 387, 414.) R. L. 102, 105.
 311 § 2 amended, 1906, 412 § 8; 1907, 580 § 2. § 5 amended, 1906, 412 § 3. § 6 amended, 1906, 412 § 5; 1907, 408. (See 1905, 366; 1906, 353.) R. L. 47, 102.
 313 Superseded, 1907, 560 §§ 226, 227, 456. R. L. 11.
 317 See 1907, 198. R. L. 92.
 318 Superseded, 1907, 560 §§ 73, 418. (See 1906, 291 § 18, 444 § 12; 1907, 387.) R. L. 11.
 320 § 1 amended, 1906, 383. R. L. 44.
 326 Affected, 1906, 224. R. L. 144.
 332 Superseded, 1907, 231. R. L. 21.
 341 § 1 amended, 1907, 274. R. L. 102.
 342 § 1 amended, 1906, 105 § 1. R. L. 104.

Chap.

- 344 See 1905, 348. R. L. 30, 81.
- 355 See 1906, 243, 302. R. L. 223, 225.
- 366 § 1 amended, 1906, 412 § 9. (See 1906, 353.) R. L. 25, 47, 52.
- 367 In part repealed, 1907, 563 §§ 6, 26. R. L. 15.
- 370 § 1; see 1907, 340 § 2. R. L. 201.
- 376 Superseded, 1906, 463 III §§ 74, 158. (See 1906, 339.) R. L. 112.
- 377 Superseded, 1906, 345. R. L. 65.
- 381 Affected, 1907, 521. § 3 amended, 1906, 268 § 1. § 4 revised, 1906, 268 § 2; 1907, 521 § 1. § 5 amended, 1906, 268 § 3; 1907, 521 § 2. § 6 amended, 1906, 268 § 4. § 7 amended, 1906, 268 § 5; 1907, 521 § 3. § 11 amended, 1906, 268 § 6. § 12 amended, 1907, 521 § 4. R. L. 75, 101.
- 383 See 1907, 550. R. L. 104.
- 386 Repealed, 1907, 560 § 456. (See 1905, 397; 1906, 298.) R. L. 11.
- 391 § 1 superseded, 1905, 465 § 112. R. L. 16.
- 397 Repealed, 1907, 560 § 456. (See 1906, 444.) R. L. 11.
- 400 See 1906, 316. R. L. 87.
- 401 Superseded, 1907, 576 §§ 32, 122. R. L. 118.
- 406 Superseded, 1906, 303 §§ 1, 2. (See 1907, 161.) R. L. 92.
- 408 Superseded, 1906, 463 I §§ 32, 36, 37. R. L. 111.
- 410 § 4 amended, 1906, 411 § 1. R. L. 34.
- 413 See 1907, 335. R. L. 217.
- 414 Amended, 1907, 99. R. L. 92.
- 419 Superseded, 1907, 307. R. L. 92.
- 428 § 1 superseded, 1907, 377 § 1. (See 1906, 408 § 1.) § 2 amended, 1906, 408 § 2. § 5 revised, 1907, 377 § 7. (See 1906, 408 § 3.) R. L. 109.
- 443 § 1 amended, 1907, 128 § 2. § 2 amended, 1907, 128 § 3. R. L. 160.
- 445 Amended, 1907, 300. R. L. 92.
- 459 See 1906, 293. R. L. 225.
- 465 § 12 amended, 1907, 526 § 1. (See 1906, 423.) § 15 amended, 1906, 504 § 1. § 21 amended, 1906, 504 § 2. § 27 amended, 1906, 423 § 1. § 28 amended, 1906, 273 § 1. (See 1906, 423 § 2.) § 29 in part repealed, 1907, 305 § 3. § 31 affected, 1906, 423 § 2. § 34 amended, 1906, 504 § 3. § 35 amended, 1906, 504 § 4. § 38 *et seq.*; see 1906, 423. § 80 amended, 1906, 504 § 5. § 83 amended, 1906, 212 § 1, 504 § 6; 1907, 305 § 2. § 87 amended, 1906, 373 § 1. § 90 amended, 1906, 504 § 7. § 92; see Res. 1907, 74. § 99 amended, 1906, 504 § 8. §§ 110-112 revised, 1906, 504 § 9; 1907, 526 §§ 2, 3. §§ 113-123 revised, 1906, 504 § 9; 1907, 526 §§ 4-14. (See 1905, 298; 1906, 469.) § 144 amended, 1906, 504 § 10. § 146; see 1906, 198. § 153 amended, 1906, 198; 1907, 232 § 4. (See 1906, 139, 198.) §§ 156, 157 revised, 1906, 504 §§ 11, 12. (See 1905, 202, 468.) § 158 in part repealed, 1907, 305 § 3. § 161 revised, 1906, 504 § 13. § 177 revised, 1906, 504 § 14. § 182 revised, 1906, 504 § 15. R. L. 16.

Chap.

- 470 Superseded, 1907, 563 §§ 1, 26. (See 1906, 436 § 1; 1907, 452.)
R. L. 15.
- 472 § 1; see 1906, 387; 1907, 465 §§ 1, 14. § 2; see 1907, 465 §§ 10,
11, 19. § 3; see 1907, 465 § 28. R. L. 105.
- 475 § 1 amended, 1906, 471 § 1. R. L. 87.

Statutes of 1906

- 50 § 1; see 1906, 344. R. L. 128.
- 66 § 1 affected, 1906, 204 § 3, 347. R. L. 113, 115, 116.
- 67 See 1907, 225. R. L. 22.
- 73 § 1 amended, 1907, 236 § 1. R. L. 146.
- 76 Superseded, 1907, 560 §§ 348, 456. R. L. 11.
- 107 Superseded, 1907, 355. R. L. 102.
- 120 See 1906, 281. R. L. 76, 150.
- 159 Amended, 1907, 344. R. L. 19.
- 165 § 1 superseded, 1907, 410 § 1. § 2 amended, 1907, 410 § 2.
R. L. 75, 213.
- 185 See 1907, 363. R. L. 212.
- 190 Amended, 1906, 291 § 4. (See 1906, 384.) R. L. 102.
- 198 Extended, 1907, 232 § 4. R. L. 16.
- 204 Affected, 1906, 347, 377. R. L. 113, 115.
- 210 § 1 amended, 1907, 272. R. L. 19, 108.
- 212 Amended, 1906, 504 § 6; 1907, 305 § 2. R. L. 16.
- 215 See 1907, 394. R. L. 62.
- 218 See 1906, 463 III § 60. R. L. 34.
- 223 See 1907, 490 § 1. R. L. 197.
- 225 Superseded, 1906, 365 § 1. (See 1907, 183, 386.) R. L. 75.
- 243 See 1906, 302. R. L. 225.
- 250 Affected, 1907, 537 § 5. R. L. 106.
- 266 Superseded, 1906, 463 I § 7, III § 158. R. L. 111.
- 267 Superseded, 1906, 463 I § 6, III § 158. R. L. 111.
- 268 § 2 superseded, 1907, 521 § 1. § 3 amended, 1907, 521 § 2. § 5
amended, 1907, 521 § 3. R. L. 25, 26, 101.
- 271 § 3 amended, 1907, 246. § 7 repealed, 1907, 576 § 122. R. L.
118. § 9 in part superseded, 1906, 463 II §§ 112, 114, 258.
(See 1906, 516 § 21; 1907, 586.) R. L. 14, 111.
- 281 See 1907, 140, 190, 308. R. L. 76, 100.
- 282 § 1 superseded, 1907, 251 § 1. R. L. 225.
- 283 Superseded, 1906, 463 II §§ 169, 258. R. L. 111.
- 284 § 2; see 1907, 224. R. L. 106.
- 288 See 1907, 297. R. L. 91.
- 291 § 4 amended, 1907, 214. (See 1906, 384.) § 18 amended, 1907,
387. (See 1906, 444 § 12.) R. L. 11, 100, 102.
- 296 § 3 superseded, 1907, 79. R. L. 107.
- 298 Superseded, 1907, 560 §§ 352, 456. R. L. 11.
- 303 See 1907, 118, 250 § 2. R. L. 92.
- 309 Superseded, 1907, 489. (See 1906, 508.) R. L. 87.
- 311 Superseded, 1907, 560 §§ 311, 456. R. L. 11.

Chap.

- 315 Affected, 1906, 481. § 1 superseded, 1907, 367. R. L. 12.
- 322 Superseded, 1907, 564 § 2. R. L. 14.
- 325 § 2 amended, 1907, 128 § 1. R. L. 160.
- 329 Amended, 1907, 261. R. L. 217.
- 339 Superseded, 1906, 463 III §§ 76, 158. R. L. 112.
- 352 Amended, 1907, 432. R. L. 87.
- 353 See 1906, 412; 1907, 494, 580. R. L. 53, 54, 102.
- 365 § 1 amended, 1907, 445. (See 1907, 183, 386, 474.) R. L. 75.
- 371 § 1 amended, 1907, 215. R. L. 44.
- 377 § 1 limited, 1907, 533. R. L. 113, 115.
- 385 Amended, § 9 added, 1907, 173. R. L. 83, 84.
- 386 §§ 1, 2 superseded, 1907, 259 §§ 1, 3. § 6 affected, 1907, 259 § 2. R. L. 75.
- 387 See 1906, 521, 522; 1907, 373, 465. R. L. 105.
- 389 See 1906, 413, 489. R. L. 46, 86.
- 396 Superseded, 1907, 576 §§ 32, 122. R. L. 118.
- 399 § 1 amended, 1907, 213. R. L. 39, 42.
- 403 See 1907, 494. R. L. 212.
- 408 § 1 revised, 1907, 377 § 1. R. L. 70, 111.
- 412 § 3 affected, 1907, 203. § 5 amended, 1907, 408. § 8 amended, 1907, 580 § 1. (See 1907, 494.) R. L. 54, 102.
- 413 In part superseded, 1906, 489 § 4. Affected, 1907, 137, 158, 195. § 8; see 1907, 223, 362. R. L. 40, 160, 204.
- 414 Superseded, 1907, 373 § 2. (See 1906, 522) R. L. 102, 105.
- 417 See 1906, 463 I §§ 2, 69. R. L. 111.
- 421 § 4 amended, 1907, 517 § 2. R. L. 100.
- 423 See 1907, 526 § 1. R. L. 16.
- 425 § 1 amended, 1907, 364. R. L. 75.
- 427 Amended, 1907, 193 § 1. R. L. 106.
- 435 § 8 superseded, 1907, 135. R. L. 107.
- 436 Superseded, 1907, 563 §§ 1, 26. (See 1907, 452.) R. L. 15.
- 444 Repealed, 1907, 560 § 456. (See 1907, 429.) R. L. 11.
- 451 Amended, 1907, 176 § 1. R. L. 173.
- 463 I § 1 affected, 1907, 425. § 63 amended, 1907, 392 § 1. (See 1907, 428 § 4.) § 67 amended, 1907, 585 § 7. § 68; see 1906, 463 II §§ 22, 46-58, 60, 147, 155, 156, 173-176; 516 § 12; 1907, 428. II § 116 amended, 1907, 315. § 148; see 1907, 377, 431 § 3. § 209 amended, 1907, 585 § 8. §§ 211-216; see 1907, 395. § 247; see 1907, 431. III § 41 superseded, 1907, 402. § 68; see 1907, 574 § 6. § 99; see 1906, 479. § 125; see 1907, 395. § 137 amended, 1907, 318. (See 1906, 516 § 11; 1907, 428, 585.) R. L. 111, 112.
- 469 Revised, 1906, 504 § 9; 1907, 526 § 11. R. L. 16.
- 476 See 1907, 186. R. L. 25, 26.
- 489 Affected, 1907, 137, 195. § 4 affected, 1907, 411. R. L. 46, 160.
- 494 § 1 amended, 1907, 170 § 1. R. L. 7.
- 503 See 1907, 314. R. L. 76.
- 504 § 6 amended, 1907, 305 § 2. § 9 amended, 1907, 526 §§ 2-14. R. L. 16.

Chap.

- 508 Name changed, 1907, 421. (See 1907, 489.) R. L. 87.
 516 Extended, 1907, 556 § 1. § 6 amended, 1907, 428 § 1. § 7 amended, 1907, 428 § 2. § 12 amended, 1907, 428 § 3. § 13 amended, 1907, 428 § 4. § 28 (new) added, 1907, 448. R. L. 111, 112.
 517 § 1 amended, 1907, 269 § 1, 570. § 2 amended, 1907, 269 § 2. § 4 amended, 1907, 269 § 3. R. L. 106.
 521 § 1; see 1907, 465 § 4. §§ 2, 3 superseded, 1907, 465 §§ 16, 28. R. L. 105.
 522 § 1 affected, 1907, 451, 465 § 25. R. L. 105, 108.

Statutes of 1907

- 118 See 1907, 250. R. L. 92.
 133 § 1; see 1907, 312. R. L. 165.
 137 See 1907, 158, 195. R. L. 46, 160.
 139 § 2 amended, 1907, 276. R. L. 6.
 140 See 1907, 190, 308. R. L. 76, 100.
 164 Affected, 1907, 537 § 5. R. L. 106.
 183 See 1907, 386, 445. R. L. 75.
 190 See 1907, 308. R. L. 100.
 203 See 1907, 408, 494, 580. R. L. 52, 54, 102.
 211 See 1907, 500 §§ 2, 3. R. L. 102.
 269 § 1 amended, 1907, 570. R. L. 106.
 283 In part superseded, 1907, 534 § 3. R. L. 62.
 295 See 1907, 357. R. L. 42.
 330 Superseded, 1907, 560 §§ 111, 456. R. L. 11.
 340 See 1907, 417. R. L. 116.
 386 See 1907, 445. R. L. 75.
 408 See 1907, 494, 580. R. L. 52, 54, 102.
 413 In part superseded, 1907, 537 § 5. R. L. 106.
 429 Repealed, 1907, 560 § 456. R. L. 11.
 452 Affected, 1907, 563 § 11. R. L. 15.
 468 Superseded, 1907, 560 §§ 6, 456. R. L. 11.
 490 See 1907, 582 § 34. R. L. 69.
 494 See 1907, 580. R. L. 52, 54, 102.
 499 Affected, 1907, 537. R. L. 106.
 543 See 1907, 560 § 166. R. L. 11.
 549 See 1907, 553. R. L. 141.
 560 §§ 5, 417 *et seq.*; see 1907, 581. §§ 362, 367 affected, 1907, 579. §§ 374, 386; see 1907, 579. R. L. 11.
 561 See 1907, 576. R. L. 113, 118.
 564 See 1907, 586. R. L. 14.
 587 § 34; see 1907, 490. R. L. 69.

Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY, BOSTON, Sept. 23, 1907.

I certify that the acts and resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the table of changes in general laws has been prepared, and is printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of section 1 of chapter 9 of the Revised Laws.

WILLIAM M. OLIN,

Secretary of the Commonwealth.

INDEX.

INDEX.

A.

	PAGE
Abolition of grade crossings, in the town of Clinton	174
Abutters, on electric railroads, law relative to damages to, amended . . .	393
ACADEMY :	
Bridgewater, the property of, may be conveyed to the town of Bridge- water	349
Hopkins, limiting the number of trustees of	105
Accounts of executors, administrators, etc., to regulate	382
Address, inaugural, of the governor	1033
Adjutant general, appropriations for salaries and expenses in the depart- ment of	93
preservation of war records in the office of	970
Administration of estates, compromise of questions arising in cases of . .	392
Administrators, etc., when removed from their trust, delivery of property by .	89
law relative to the duties of, amended	223
to regulate the accounts of	382
Adoption, of children, law relative to, amended	346
Adulterated food and drugs, to increase the appropriation for enforcing the laws relative to	157
Advances of money from the treasury, to certain state institutions . . .	417
Advertisements, political, to prohibit the publication of, if unsigned . .	929
Agawam, town of, extending the riprap work on the Connecticut river in . .	475
Age and schooling certificates, law relative to, amended	167
Agent, of the dairy bureau, salary established	344
Agents, for the burial of indigent soldiers, etc., compensation of	306
of fraternal beneficiary corporations, relative to	422
Agricultural College, the Massachusetts, appropriations for	22
in favor of	970, 979, 1013
Agricultural expenses, appropriations for	44
Agricultural experiment station, relative to the bulletin issued by . . .	226
Agricultural societies, sale or mortgage of real estate of	142
Agriculture, board of, appropriations for salaries and expenses in the office of	44
may appoint a state nursery inspector, etc.	273
general agent of the dairy bureau of, salary established	344
Alcohol, sale of, by druggists and apothecaries	143
Aléwife brook, etc., purification of	507

	PAGE
Amendment to the constitution, proposed, authorizing the governor and council to remove justices of the peace and notaries public, submitted to the people	1020
American Board of Commissioners for Foreign Missions, filling of vacancies in offices of	106
American Loan and Trust Company, name changed to American Trust Company	55
American Trust Company, name established	55
American Unitarian Association, may hold additional estate	102
Amesbury, town of, maintenance of a bridge across the Merrimac river in	381
Amusement, places of, admission of children to	308
relative to the licensing of	218
Andover Theological Seminary, the Trustees of, incorporated	204
Andrews creek, in Harwich, construction of a bridge over	192
Animals, diseased and disabled, etc., humane killing of	314
Annuities and pensions, appropriations for payment of	10
ANNUITY :	
Bent, Wilma D.	976
Chaplin, Carrie Adelia	977
Raymond, Ella	979
Apothecaries, sale of alcohol by	143
certificates granted to, may be revoked	264
Appeals, in cases of attachment of property	528
from district, police and municipal courts, etc., relative to return of, when first Monday of a month falls on a holiday	131
Apportionment of state and county taxes, basis for	177
APPROPRIATIONS :	
compensation and mileage of members of the general court, etc.	3
salaries and expenses in the executive department	13
salaries and expenses in the judicial department	15
salaries and expenses in the secretary's department	32
salaries and expenses in the treasurer's department	11
salaries and expenses in the auditor's department	12
salaries and expenses in the attorney-general's department	36
salaries and expenses in the adjutant general's department	93
salaries and expenses in the office of the civil service commission	34
salaries and expenses in the office of the controller of county accounts	35
salaries and expenses in the office of the insurance commissioner	36
salaries and expenses in the office of the commissioner of public records	21
salaries and expenses in the office of the prison commissioners, etc.	28
salaries and expenses in the office of the tax commissioner	27
salaries and expenses in the office of the state board of insanity	47
salaries and expenses in the state library	9
salaries and expenses in the office of the state board of education	37
salaries and expenses in the office of the state board of health	58
salaries and expenses in the bureau of statistics of labor	117
salaries and expenses of the land court	20

APPROPRIATIONS — *Continued.*

	PAGE
salaries and expenses of the state board of conciliation and arbitration	10
salaries and expenses of the district police	48
salaries and expenses of the gas and electric light commissioners	56
salaries and expenses of the harbor and land commissioners	42
salaries and expenses of the railroad commissioners	41
salaries and expenses at the Massachusetts reformatory	31
salaries and expenses at the reformatory prison for women	31
salaries and expenses at the state hospital	85
salaries and expenses at the state farm	41
salaries and expenses at the state industrial school for girls	76
salaries and expenses at the state prison	28
salaries and expenses of the board of registration in dentistry	23
salaries and expenses of the board of registration in medicine	30
salaries and expenses of the board of registration in pharmacy	43
salaries and expenses in the department of the state board of charity	75
salaries and expenses in the department of the surgeon general	95
salaries and expenses of the board of registration in veterinary medicine	25
salaries and expenses in the office of the state board of agriculture	44
salaries and expenses of the chief of the cattle bureau of the state board of agriculture	45
salaries and expenses in the department of the bank commissioner	34
salaries of employees, etc., in the office of the sergeant-at-arms	24
salary and expenses of the commissioner of state aid and pensions	57
compensation of certain recess committees	5
dredging Dorchester bay	6
improving the harbor of Menamsha Inlet	6
construction of a harbor at Deacon's pond	7
construction of a stone breakwater off the town of Revere	7
expenses of the Jamestown exposition	8
Danvers insane hospital	50
Foxborough state hospital	59, 276, 620
Greylock state reservation	8
Lyman and industrial schools	80
Lyman school for boys	81
Massachusetts Agricultural College	22
Massachusetts highway commission	112
Massachusetts hospital for epileptics	51
Massachusetts hospital school	310
Massachusetts Institute of Technology	6
Massachusetts school for the blind	124
Massachusetts School for the Feeble-Minded	52
Massachusetts School Fund	5
Massachusetts State Firemen's Association	9
Massachusetts state sanatorium	110
Medfield insane asylum	52
Mount Tom state reservation	8
North metropolitan system of sewage disposal	153

APPROPRIATIONS — *Concluded.*

	PAGE
Northampton state hospital	53
South metropolitan system of sewage disposal	152
Taunton insane hospital	53
Westborough insane hospital	54
Worcester insane asylum	51
Worcester insane hospital	53
Worcester Polytechnic Institute	7
Wrentham state school	506
compensation and expenses of the ballot law commission	21
compensation and expenses of commissioners on fisheries and game	60
expenses of the board of free public library commissioners	37
expenses of exterminating contagious diseases among cattle, etc.	86
expenses of the commissioners of the nautical training school	58
certain expenses authorized in the year 1907, etc.	257, 401, 471, 960
sundry agricultural expenses	44
sundry charitable expenses	75
sundry educational expenses	37
sundry military expenses	93
sundry miscellaneous expenses	26, 257, 401, 471, 960
sundry reformatory expenses	28
deficiencies in the year 1906	32, 43, 45, 149, 474
payment of state and military aid	57
payment of annuities to soldiers, etc.	10
payment of tuition of children in certain high schools	39
removal of wrecks from tide waters	42
premiums on securities purchased for the Massachusetts School Fund	9
printing and binding public documents, etc.	25
investigation of methods of protecting purity of inland waters	59
care and maintenance of reservations, etc.	70, 71, 72, 77
publication of record of Massachusetts soldiers and sailors in the war of the rebellion	50
continuing the publication of the Province laws	81
expenses at the state colony for the insane	54
surveys and improvements of harbors, etc.	42
payment of claims arising from the death of firemen	29
preservation of town records of births, marriages and deaths	33
taking the decennial census	40
salary and expenses of the state forester	45
care and maintenance of Wellington bridge	70
care and maintenance of the Nantasket Beach reservation	77
certain sinking funds	14
supervision of telegraph and telephone companies	26
industrial camp and hospital for prisoners	30
salaries and expenses of the commission on industrial education	111
suppression of the gypsy and brown tail moths	21, 379
expenses of committees of the general court	376
rental of armories for the militia	401

	PAGE
Armories for the militia, appropriation for rental of	401
maintenance and construction of	496
Armstrong, Hugh, in favor of	1001
Arrest, allowance for travelling expenses in certain cases of	365
Arrest and detention of boys and girls escaping from certain institutions, relative to	313
Aspinwall Water Company, relative to	482
Assessment of taxes, form of valuation lists used in	138
Assessments, for the maintenance of metropolitan park, sewer and water districts, relative to	116
sewer, apportionment of	131
Assessors, term of office of	925
Assistant clerk, superior court, county of Essex, appointment of	199
Assistant clerks of courts, women may be appointed as	175
Assistant probation officer, female, municipal court of Boston, appointment of	206
Associate justices, of the superior court, number increased	225
Associations, certain, to allow their employees one day's rest in seven	924
partnerships, etc., taking of deposits by certain, law relative to, amended	326
ASSOCIATIONS :	
American Unitarian, may hold additional estate	102
Boylston Market, may hold additional real estate	49
Essex County Law Library, relative to the maintenance of	222
Juniper Point, certain proceedings of, confirmed	319
Massachusetts State Firemen's, appropriation for	9
Middlesex Law Library, relative to the maintenance of	221
Newton Police Benefit, Incorporated, relative to	291
Now and Then, of Salem, may hold real and personal estate	297
Rock Cemetery, incorporated	79
Security Loan, relative to the charter of	303
Assurance Society, the Economic Life, incorporated	946
the Mutual Direct, incorporated	317
Athletic exercises, corporations for encouraging, to regulate changes of locations of	290
Atkinson, John, in favor of the heirs of	977
Attachments, dissolution of, law relative to, amended	339
of estates of deceased persons, to prohibit	621
of property, appeals in cases of	528
of real estate, dissolution of, etc.	289, 320
Attesting public records, etc., to provide for	163
Attorney-general, appropriations for salaries and expenses in the department of	36
distribution of the official opinions of	1001
Attorneys-at-law, to prohibit the soliciting of employment by	388
Auditor, state, appropriations for salaries and expenses in the department of	12
powers and duties of	101
to establish the salary of	219
Automobiles, etc., use of, on certain ways	153
records of convictions under laws relative to	348

AUTOMOBILES — *Concluded.*

	PAGE
violation of statutes regulating the control of	455
law relative to, amended	925
examination of applicants for licenses to operate	1005
Ayer Home, fixing the number of trustees of	73

B.

Baggage, storage of, by railroad corporations	225
Bail, relative to fees of persons authorized to take	285
Bait, clams and quabaugs may be taken for, from contaminated waters	224
Ballot law commission, appropriations for compensation and expenses of	21
Ballots, etc., used at caucuses, disposition of	286
Band concerts, to be furnished in parks, etc., under the control of the metropolitan park commission	379
Bank commissioner, appropriations for salaries and expenses in the department of	34
duties of, relative to the establishment of life insurance departments by savings banks	775-790
Banking corporations, foreign, relative to	514
Banks, associations, etc., taking of deposits by, law relative to, amended	326
Barbour, Lavinia A., in favor of	974
Barnstable, town of, to prohibit taking of fish in the waters of, by nets and seines	256
Barnstable county, appointment of an assistant register of probate, etc., for	157
to rebuild a bridge over Bass river between Yarmouth and Dennis	169
tax granted for	983
Basis of apportionment of state and county taxes	177
Bass river, bridge over, between Yarmouth and Dennis, to be rebuilt	169
Bedford, town of, may supply itself with water	90
Beneficiary corporations, fraternal, relative to	420
relative to agents of	422
Benefit Association, the Newton Police, relative to	291
Bent, Wilma D., payment of an annuity to	976
Berkshire county, tax granted for	984
Betting and gaming, in public places, to prohibit	316
Beverly, city of, relative to the construction of a new bridge over Danvers river between Salem and	73
maintenance of the Essex bridge, between Salem and	381
Bicycle Railway Company, the Boston, Quincy and Fall River, charter revived	624
Birds, of the Commonwealth, preparation and printing of special report on	974
additional copies to be printed	1002
mammals, etc., fines and forfeitures under laws relating to	256
certain, protection of, in Martha's Vineyard	468

	PAGE
Birds of prey, law relative to, amended	196
Blind, Massachusetts commission for, law relative to, amended	123
Massachusetts school for, appropriation for	124
Board of Commissioners for Foreign Missions, the American, filling of vacancies in offices of	106
BOARDS AND COMMISSIONS :	
ballot law commission, appropriation for compensation and expenses of	21
bank commissioner, appropriations for salaries and expenses in the office of	34
duties of, relative to the establishment of life insurance departments by savings banks	775-790
board of agriculture, appropriations for salaries and expenses in the office of	44
certain notices to be given to the cattle bureau of	191
may appoint a state nursery inspector, etc.	273
general agent of the dairy bureau of, salary established	344
board of charity, appropriations for salaries and expenses in the department of	75
relative to the duties of	216
to prepare and publish a manual of laws concerning charities	982
to investigate the subject of establishing an industrial school for boys	1019
board of conciliation and arbitration, appropriations for salaries and expenses of	10
board of education, appropriations for salaries and expenses in the office of	37
registration of teachers with, law relative to, amended	162
board of health, to define what diseases are to be deemed dangerous to the public health	139
to increase the appropriation for, in enforcing the laws relative to adulterated food and drugs	157
appropriations for salaries and expenses in the office of	58
to establish the salary of the secretary of	315
may delegate certain authority	418
appeals from the district police to	463
to divide the Commonwealth into health districts, etc.	518
board of insanity, appropriations for salaries and expenses in the office of	47
board of registration in dentistry, appropriations for	23
board of registration in medicine, appropriations for	30
board of registration in pharmacy, appropriations for	43
law relative to, amended	102
may revoke certificates granted to druggists and apothecaries	264
salaries established	343
board of registration in veterinary medicine, appropriations for	25
law relative to, amended	267
Charles river basin commission, may grant locations for boat houses on Charles river	345

BOARDS AND COMMISSIONS — *Continued.*

	PAGE
civil service commission, appropriations for compensation and expenses of	34
to establish the salaries of	294
salary of the secretary of	398
commission for the blind, law relative to, amended	123
commission on industrial education, appropriations for salaries and expenses of	111
commissioners on fisheries and game, appropriations for the compensation and expenses of	60
duties of, in respect to forest fires	255
protection of certain birds by, in Martha's Vineyard	468
free public library commissioners, appropriations for expenses of	37
gas and electric light commissioners, relative to the expenses of	40
appropriations for salaries and expenses of	56
law relative to, amended	268
harbor and land commissioners, appropriations for salaries and expenses of	42
to supervise the transportation and dumping of material in tide waters	170
dredging of Dorchester bay by	447
may continue the improvement of Nantucket harbor	475
to continue the deepening and improving of the channel of Ipswich river	475
to extend the riprap work on the Connecticut river in Agawam	475
to construct a dike across Herring river in Wellfleet	476
to improve West Falmouth harbor	477
may dredge and improve Scorton harbor	485
may improve the entrance to West Bay at Osterville	494
to dredge a channel in Plymouth harbor	513
to improve Cuttyhunk harbor in Gosnold	525
to build a breakwater, etc., in the town of Scituate	526
to make a survey of Rock harbor in Orleans	976
to make a survey of Sesuit harbor in Dennis	979
to dredge a channel near Orient Heights in Boston harbor	1015
to strengthen certain riprap work on the Connecticut river	1015
to improve South river in the city of Salem	1015
to make a survey of Wild harbor at North Falmouth	1016
to dredge a channel in the Connecticut river, at Holyoke	1017
to improve Rock harbor, in the towns of Orleans and Eastham	1017
to improve Essex river	1021
to improve Neponset river	1022
to dredge Manchester harbor	1022
to investigate the question of constructing a wharf or pier in the Magnolia district of Gloucester	1008
to investigate the question of establishing a system of state or municipal docks	1008

BOARDS AND COMMISSIONS — <i>Concluded.</i>	PAGE
highway commission, appropriations for salaries and expenses of . . .	112
construction of state highways by	391
to provide for expenses of, relative to examination of applicants for licenses to operate motor vehicles	1005
insurance commissioner, appropriations for salaries and expenses in the office of	36
duties of, relative to the establishment of life insurance departments by savings banks	775-790
metropolitan park commission, appropriations for the care and maintenance of certain reservations, etc., under the charge of 70, 71, 72, 77	
to maintain part of a certain dam across Charles river in Watertown . . .	166
may build certain structures across the Mystic river, in the city of Medford	219
may grant locations for boat houses on Charles river	345
to furnish band concerts upon parks, etc.	379
to establish a zoölogical garden in the Middlesex Fells reservation . . .	394
metropolitan water and sewerage board, relative to the disposition of the money received by, for water furnished to certain cities and towns	177
may sell certain property for widening a railroad in the town of Natick	839
commissioners of the nautical training school, appropriations for the expenses of	58
prison commissioners, appropriations for salaries and expenses in the office of	28
may destroy certain old reports, etc.	981
to investigate the subject of the relocation of the state prison . . .	1004
railroad commissioners, appropriations for salaries and expenses of . . .	41
to permit certain connections of railroad tracks in the city of Everett	337
to investigate the question of the equalization of passenger fares on railroads	1004
commissioner of state aid and pensions, may employ additional clerical assistance	32
appropriation for salary and expenses of	57
tax commissioner, appropriations for salaries and expenses in the department of	27
duties of, relative to the taxation of business corporations	341
duties of, relative to the taxation of legacies and successions	800-810
reorganization of the department of	810
duties of, relative to the taxation of express companies	957
commissioner of weights and measures, appointment of	515
Boards and officers, certain, summoning of witnesses before	285
Boards of health, etc., relative to notices to be given by	191
to compensate persons held in quarantine by orders of	390
Boards of survey, in towns, establishment of	143
Boat houses, on Charles river, locations may be granted for	345
Boiler inspection department of the district police, additional members of . .	396

	PAGE
Boilers, steam, operation and inspection of	410
Bonds, certain, exempt from taxation	192
Boston, city of, municipal court of, approval of bills in	137
jurisdiction of the licensing board of	162
investigation of congestion of traffic in the streets of	193
hiring of beds in private hospitals for tuberculous patients in	194
to enlarge the powers of the school committee of, in respect to physical education	252
appointment of nurses by the school committee of	309
the Mutual Direct Life Assurance Society incorporated in	317
preservation of the old state house in	333
listing and registration of voters in	335
may grant a pension to James H. Dodge	336
may widen and improve Chelsea street	345
height of buildings on Rutherford avenue in	358
to increase the terminal facilities of the New York, New Haven and Hartford Railroad Company in	385
construction of schoolhouses in	395
licensing of theatres and public halls in	408
investigation of the financial condition of	438
construction of sewerage works by, in the watershed of the Charles River basin	442
members of the police force of, relieved from duty at certain times	477
location of the Boston Elevated Railway Company at or near Forest Hills square in	487
revoking certain locations granted to the Boston Elevated Railway Company in	510
relative to the extension of the state house in	527
relative to the construction of buildings in	531-612
construction of a tunnel and subway in	827
Washington street in the West Roxbury district of, may be laid out as a state highway	836
use of public streets in, for certain purposes	949
Boston Elevated Railway Company, relative to claims against, for damages	220
may extend its system through the cities of Everett and Malden	456
location of, at or near Forest Hills square	487
revoking certain locations of, in Boston	510
provisions affecting	827
Boston harbor, a certain tract of land on Deer island in, ceded to the United States	122
dredging a channel near Orient Heights in	1015
Boston juvenile court, to define the jurisdiction of	100
to provide for the cases of children in, relative to continuances and probation	351
Boston and Albany Railroad Company, provisions affecting	613, 839
resolutions relative to the freight and passenger service rendered by	1029
Boston and Lowell Railroad Corporation, provision affecting	443
Boston and Maine Railroad, provisions affecting	174, 443

	PAGE
Boston and Maine Railroad, relative to the tracks of, in the city of Everett	337
Boston and Northern Street Railway Company, provision affecting	408
Boston and Providence Railroad Company, franchise, etc., may be sold to the Old Colony Railroad Company	486
Boston, Quincy and Fall River Bicycle Railway Company, charter revived	624
Boston transit commission, to increase the authority of	202
Boston University, relative to the Trustees of	441
BOUNDARY LINE :	
between Brookline and Newton	194
between Charlton and Oxford	64
between Charlton and Southbridge	67
between Connecticut and Massachusetts, relative to locating, etc.	978
between Dudley and Southbridge	68
between Grafton and Westborough	65
between Hopkinton and Upton	362
between Milford and Hopkinton	362
between Milford and Upton	361
between Millbury and Oxford	66
between Shrewsbury and Grafton	64
between Shrewsbury and Westborough	63
between Sutton and Douglas	364
between Sutton and Millbury	363
between Worcester and Grafton	62
Boylston Market Association, may hold additional estate	49
Boynnton bicycle railway, law relative to electric railways to apply to form of construction of	624
Boys, Lyman school for, appropriations for expenses at	81
relative to certificates required for minors committed to	167
arrest and detention of boys escaping from	313
improvements at	982, 1018
industrial school for, investigation of the subject of establishing	1019
Boys and girls, arrest and detention of certain	313
Bradford Durfee Textile School, in favor of	1000
BRIDGE :	
over Danvers river between Salem and Beverly, new, relative to the construction of	73
over Bass river between Yarmouth and Dennis, to be rebuilt	169
may be constructed across Little river in Lynn	177
may be constructed over Andrews creek in Harwich	192
the Cambridge, relative to the approaches to	118
the Cradock, over the Mystic river in Medford, relative to the construc- tion of the dam at	219
over Charles river, in Watertown, construction of	287
over Taunton Great river, compensation of the county commission- ers of the county of Bristol in connection with the construction of	297
the Essex, over Danvers river, between Salem and Beverly, mainte- nance of	381

BRIDGE — <i>Concluded.</i>		PAGE
over the Merrimac river, in Amesbury, maintenance of		381
across Mitchell's river, in Chatham, relative to the construction of		389
across Saugus river, maintenance of		407
over the Merrimac river, in Lawrence, construction of	443,	827
the Newburyport, across the Merrimac river, relative to the expense of maintaining and operating		517
over the Merrimac river in Haverhill, to extend the time for constructing, etc.		521
Bridgewater, town of, the trustees of the state hospital and state farm may exchange certain land in		348
the property of the Bridgewater Academy may be conveyed to		349
Bridgewater Academy, Trustees of, may convey the property of said corporation to the town of Bridgewater		349
Bristol county, relative to the close season for certain kinds of game in		114
to expend certain sums of money for the law libraries in New Bedford and Fall River		221
compensation of county commissioners of, relative to the construction of a bridge over Taunton Great River		297
tax granted for		986
Bristol County Fair, Incorporated, invested with the rights and privileges of the Bristol County Agricultural Society		225
Brockton, city of, wires and electrical appliances in		277
court house, etc., in, to be enlarged, etc.	325,	824
additional water loan for		822
Brookline, town of, boundary line between the city of Newton and		194
Brown tail moths, etc., appropriations for the suppression of	21,	379
suppression of, law relative to, amended		490
additional copies of the report on the suppression of, to be printed		981
resolutions relative to		1027
Bucket shopping, to prohibit the business of		353
Buckland, town of, the Shelburne Falls and Colrain Street Railway Company may extend its railway into		164
Builders, etc., protection of tools of		463
Building laws of Boston, revision of	531-	612
Buildings, certain, egresses from		466
Bulletin, of the Massachusetts agricultural experiment station concerning fertilizers, to contain certain facts		226
of committee hearings, publication of		969
Bureau of statistics of labor, relative to certain annual returns made to		55
appropriations for salaries and expenses in		117
to furnish certain information to the Massachusetts department of the Grand Army of the Republic		971
Burial agents, of indigent soldiers, etc., compensation of		306
Burr, Lemuel D. and Anna, in favor of		970
Business corporations, taxation of		341
organization fees of		341

C.

	PAGE
Cambridge, city of, may sell certain land taken as part of approach to Cambridge bridge	118
relative to the city solicitor of	449
relative to the government of	811
relative to the school committee of	815
Canal and Transportation Company, the New York, Brockton and Boston, relative to refunding certain money by	621
Capitalization of trust companies, relative to	446
Captains, of vessels, relative to fraudulent conversion of property by	336
Carriers, of intoxicating liquors, law relative to, amended	485
Cattle, etc., appropriation for exterminating diseases among	86
Cattle bureau, appropriations for salaries and expenses in the office of	45
certain notice to be given to	191
Caucuses, disposition of ballots and check lists used at	286
Caucuses and elections, codification of laws relative to	633-775
Cemetery Association, the Rock, incorporated	79
Census, decennial, appropriation for expenses of	40
Central district court of Worcester, appointment of an additional probation officer for	167
Certification, of public records, etc., to provide for	168
CHANGE OF NAME, OF CORPORATIONS, ETC. :	
American Loan and Trust Company	55
Hatch experiment station	50
Massachusetts School and Home for Crippled and Deformed Children	169
School for the Feeble-Minded	361
Town of Cottage City	22
Worcester County Truant School	148
Change of names, of children, relative to	346
Change of names, of persons, decreed by the probate court	1089
Chaplin, Carrie Adelia, an annuity to be paid to	977
Charitable expenses, appropriations for	75
Charitable Eye and Ear Infirmary, the Massachusetts, in favor of	981
Charity, board of, appropriations for salaries and expenses in the department of relative to the duties of	75
to prepare and publish a manual, etc.	216
to investigate the subject of establishing an industrial school for boys	982
Charles river, maintenance of a part of a certain dam across, in the town of Watertown	1019
construction of a new bridge over, at Watertown	166
locations for boat houses may be granted on	287
Charles river basin, construction of sewerage works in the watershed of, by the city of Boston	345
Charles river basin commission, may grant locations for boat houses on Charles river	442
	345

	PAGE
Charlestown district of the city of Boston, to widen and improve Chelsea street in	345
Charlton, town of, boundary line between Oxford and	64
boundary line between Southbridge and	67
Charters, of certain clubs, etc., to provide for revoking	289
Chase and Laubham Corporation, incorporated	83
Chatham, town of, construction of a bridge across Mitchell's river in	389
Chattel Loan Company, incorporated	355
Check lists, etc., used at caucuses, disposition of	286
Chelsea street, in Boston, widening and improvement of	345
Chicopee, city of, appointment of an electric light board in	342
Children, adoption of, law relative to, amended	346
to provide for cases of, in the Boston juvenile court	351
admission of, to places of amusement	308
of members of police and fire departments in towns, payment of pensions to	141
neglected and delinquent, to provide for the payment of witness fee in cases relative to	113
of parents living separately, support of	209
school, relative to exemption from vaccination of	163
Chilmark, town of, appropriation for improving the harbor of Menamsha Inlet in	6
CITIES :	
Beverly, relative to the construction of a new bridge over the Danvers river between Salem and	73
maintenance of the Essex bridge between Salem and	381
Boston, municipal court of, approval of bills in	137
jurisdiction of the licensing board of	162
investigation of congestion of traffic in the streets of	193
hiring of beds in private hospitals for tuberculous patients in	194
to enlarge the powers of the school committee of, in respect to physical education	252
appointment of nurses by the school committee of	309
the Mutual Direct Life Assurance Society incorporated in	317
preservation of the old state house in	333
listing and registration of voters in	335
may grant a pension to James H. Dodge	336
may widen and improve Chelsea street	345
height of buildings on Rutherford avenue in	358
increasing the terminal facilities of the New York, New Haven and Hartford Railroad Company in	385
construction of schoolhouses in	395
licensing of theatres and public halls in	408
investigation of the financial condition of	438
construction of sewerage works by, in the watershed of the Charles river basin	442
members of the police force of, relieved from duty at certain times	477

CITIES — *Continued.*

	PAGE
Boston, location of the Boston Elevated Railway Company at or near Forest Hills square in	487
revoking certain locations granted to the Boston Elevated Railway Company in	510
relative to the extension of the state house in	527
relative to the construction of buildings in	531-612
construction of a tunnel and subway in	827
Washington street in the West Roxbury district of, may be laid out as a state highway	836
use of public streets, for certain purposes	949
Brockton, wires and electrical appliances in	277
court house, etc., in, to be enlarged, etc.	325, 824
additional water loan for	822
Cambridge, may sell certain land taken as a part of the approach to Cambridge bridge	118
relative to the city solicitor of	449
relative to the government of	811
relative to the school committee of	815
Chicopee, appointment of an electric light board in	342
Everett, connection of certain railroad tracks in	337
the Boston Elevated Railway Company may extend its system into	456
Fall River, the county of Bristol to expend certain sums of money for the law library in	221
may borrow money for school purposes	291
relative to the water supply of	452
may raise money for the use of the Bradford Durfee Textile School	1000
Fitchburg, may make an additional water loan	152
Gloucester, construction of a wharf, etc., in the Magnolia district of	1008
Haverhill, the Chase and Laubham Corporation incorporated in	83
the D. D. and A. W. Chase Corporation incorporated in	84
to provide for a high school building commission in	461
to extend the time for constructing a new bridge over the Merrimac river in	521
Holyoke, dredging of a channel in the Connecticut river at	1017
Lawrence, relative to a temporary water supply for	61
relative to janitors of public schoolhouses in	142
maintenance of the Essex county law library in	222
appointment of a purchasing agent for	282
construction of a bridge over the Merrimac river in	443, 827
relative to a safeguard in the Merrimac river at	998
Lowell, trustees of public cemeteries in	190
may rent parts of the South Common	431
may raise money for the use of the Lowell Textile school	1000
Lynn, may borrow money for school purposes	146
may construct a bridge across Little river	177
taxation for the improvement of streets in	215

CITIES — *Concluded.*

	PAGE
Lynn, may borrow money for the erection of a stable	292
maintenance of the bridge across Saugus river between the town of Saugus and	407
may improve its water supply	434
Malden, the Boston Elevated Railway Company may extend its sys- tem into	456
Marlborough, construction of a municipal building in	331
Medford, certain structures may be built over Mystic river in	219
Melrose, relative to the water loan of	121
New Bedford, may borrow money for certain purposes 139, 140, 305, 306 the county of Bristol to expend certain sums of money for the law library in	221
the Ladies' City Mission Society of, in favor of	972
may raise money for the use of the New Bedford textile school . .	999
Newburyport, relative to the expense of maintaining and operating the bridge across the Merrimac river between the town of Salisbury and	517
Newton, boundary line between the town of Brookline and	194
North Adams, additional water loan for	342
Northampton, relative to the salary of the mayor of	106
charter amended	154
Pittsfield, may borrow money for sewerage purposes	153
may renew its water loan	208
additional water supply for	478
Quincy, may borrow money for purposes of sewage disposal	139
Salem, relative to the construction of a new bridge over the Danvers river between Beverly and	73
relative to the construction of a new building for the county of Essex in, etc.	108
may take certain property for a police station	160
the Now and Then Association of, may hold real and personal estate	297
maintenance of the Essex bridge, between Beverly and	381
improvement of South river in	1015
Springfield, election of assistant assessors of	59
may acquire Long Hill cemetery for school purposes	293
to improve the river front of	612
the Economic Life Assurance Society incorporated in	946
Taunton, may supply water to the town of Dighton	398
Waltham, may make an additional water loan	159
Woburn, may issue additional water bonds	77
protection of the public health in the vicinity of Horn Pond brook in	175
Worcester, boundary line between the town of Grafton and	62
the Worcester insane hospital may grant certain rights to	496
the Worcester insane hospital may release a certain claim against .	514
Cities, liens on real estate in	329
weekly payment of wages by, law relative to, amended	147
relative to private passageways in	201

INDEX.

1217

	PAGE
Cities, contracts made by, to be open to public inspection	294
certain, relative to expense of maintenance of free employment offices in	96
Cities and towns, relative to certain returns made by, to the bureau of statistics	
of labor	55
care of public documents by	82
certain, maintenance of highways by	149
certain, relative to supplying water to, from the metropolitan water	
system	302
plans, etc., of drains and sewers in, to be kept on file	315
to make provisions for caring for persons infected with diseases danger-	
ous to public health	334
to compensate persons held in quarantine by orders of boards of health	
of	390
construction of sewers and drains in	409
certain powers of the state board of health may be delegated to	418
in the metropolitan water district, to prevent waste of water supplied to	495
CITY CHARTERS :	
Cambridge, amended	449, 811, 815
Northampton, amended	106, 154
Civil government, list of persons connected with	1099
Civil service, removals and suspensions from office of police officers under the	
rules of	217
Civil service act, to extend the provisions of, in the town of Hyde Park	251
Civil service commissioners, appropriations for the compensation and ex-	
penses of	34
to establish the salaries of	294
salary of the secretary of	398
Civil service rules, railroad experts and inspectors exempt from	192
Civil war veterans, law relative to the taxation of, amended	316
in the service of the Commonwealth, retirement of certain	405
Claims, against estates of deceased persons, not to be barred during certain	
proceedings	202
Clams, etc., may be taken for bait from contaminated waters	224
CLERICAL ASSISTANCE :	
commissioner of state aid and pensions	32
register of probate, etc., county of Hampden	156
clerk of the East Boston district court	276
treasurer of the county of Norfolk	173
Clerical duties, in the supreme judicial court, to provide for the performance of,	
in certain cases	105
Clerk, of the East Boston district court, clerical assistance to	276
Clerks, of certain district courts, salaries established	88
of courts, issue of special precepts by	397
assistant, women may be appointed as	175
of the senate and house of representatives, salaries established	262
Clinton, town of, sale of certain water loan bonds by	107
abolition of grade crossings in	174

	PAGE
Clubs, etc., to provide for revoking the charters of certain	289
Coal, sale of, in small quantities	170
Collateral inheritance taxes, law relative to, amended	397
Collectors of taxes, allowance for travelling expenses of, in cases of arrests	365
COLLEGE :	
Massachusetts Agricultural, appropriations for	22
in favor of	970, 979
improvements at	1013
Radeliffe, to enlarge certain powers of	408
Tufts, election of certain members of the trustees of	199
Commerce and industry, appointment of a commission on	1011
Commission, to devise a plan for the extension of the state house, appointment of	527
on commerce and industry, appointment of	1011
on industrial education, printing of additional copies of report of	1002
to inquire into the organization and methods of textile schools	999
to investigate the subject of public improvements for the metropolitan district	1014
to revise the laws relative to taxation, appointment of	1023
to investigate measures for the relief of consumptives, printing the report of	998
to investigate the subject of old age insurance, etc., appointment of	1022
Commissioner of public records, appropriations for salary and expenses of	21
Commissioners for Foreign Missions, American Board of, filling of vacancies in offices of	106
Commissions. See "Boards and Commissions."	
Committee, on Lord's day laws, relative to printing report of	982
on revision of laws relating to insurance, printing report of	973
on revision of laws relating to taxation, printing report of	973
Committee hearings, publication of bulletin of	969
Committees of the general court, certain recess, appropriations for compensation of	5
appropriation for expenses of	376
Common carriers, relative to street railway companies acting as	344
Compromise, of questions under wills and trusts, relative to	392
Compulsory notification, of tuberculosis, etc.	436
Concerts, band, to be furnished upon parks, etc., under the control of the metropolitan park commission	379
Conciliation and arbitration, board of, appropriations for salaries and expenses of	10
Concord and Montreal Railroad, provision affecting	207
Congregational Education Society, to enlarge the powers of	104
Congress, list of members of, from Massachusetts	1124
Connecticut, state of, relative to the boundary line between the Commonwealth of Massachusetts and	978
Connecticut river, extending the riprap work on, in the town of Agawam	475
strengthening certain riprap work on	1015
dredging of a channel in, at Holyoke	1017

	PAGE
Connecticut River Railroad Company, provisions affecting	613
Conservators, etc., to provide for less delay in appointment of	118
Constitution, proposed amendment to, authorizing the governor and council to remove justices of the peace and notaries public, submitted to the people	1020
Consumptives, report of the commission to investigate measures for the relief of, printing of	998
Contagious diseases, compensation of persons caring for persons infected with the state board of health to define what shall be deemed to be	334
among cattle, etc., appropriation for exterminating	139
Contaminated waters, certain shellfish may be taken from, for bait	86
Contractors, etc., protection of tools of	224
Contractors Mutual Liability Insurance Company, to extend the time within which it may begin business	463
Contracts, made by cities, to be open to public inspection	55
Contributions, political, certain corporations prohibited from making	294
Controller of county accounts, appropriations for salaries and expenses in the office of	929
Conway Electric Street Railway Company, the Fitchburg Railroad Company may purchase the capital stock, etc., of	35
Cooke, Wellington T., in favor of	360
Co-operative banks, mortgages of, law relative to, amended	1005
Copies, of official records, etc., to provide for attesting and certifying	304
Corporations, dissolution of certain	168
domestic, changes in officers of	226
to allow their employees one day's rest in seven	222
business, taxation of	924
organization fees of	341
foreign, relative to service on	341
taxation of	288
foreign banking, relative to	924
fraternal beneficiary, relative to	514
relative to agents of	420
railroad, construction of ways across location of	422
relative to the consolidation of	268
certain, changes in locations of	952
prohibited from making political contributions	290
engaged in the selling of railroad or steamship tickets for transportation to or from foreign countries, law relative to, amended	929
recovery of damages for death caused by the negligence of	326
324	
CORPORATIONS CREATED BY THE GENERAL COURT	
Andover Theological Seminary, Trustees of	204
Chase and Laubham Corporation	83
Chattel Loan Company	355
D. D. and A. W. Chase Corporation	84
Economic Life Assurance Society	946
General Insurance Guaranty Fund	782

CORPORATIONS CREATED BY THE GENERAL COURT — <i>Concluded.</i>		PAGE
Hibernia Savings Bank		164
Meekins Library		269
Mutual Direct Life Assurance Society		317
Rock Cemetery Association		79
Walpole Reservoir Company		464
Webster and Southbridge Gas and Electric Company		384
Westford Water Company		125
Corrupt practices, in elections		742
Cottage City, town of, to change the corporate name of		22
Counties, weekly payment of wages by, law relative to, amended		147
COUNTY :		
Barnstable, appointment of an assistant register of probate, etc., for		157
to rebuild a bridge over Bass river between the towns of Yarmouth and Dennis		169
tax granted for		983
Berkshire, tax granted for		984
Bristol, relative to the close season for certain kinds of game in		114
to expend certain sums of money for the law libraries in New Bedford and Fall River		221
compensation of the county commissioners of, relative to the construction of a bridge over Taunton Great river		297
tax granted for		986
Dukes County, hunting of wild ducks or geese in the ponds of		208
tax granted for		987
Essex, increasing the amount to be expended by the county commissioners of, in constructing a bridge over the Danvers river between Salem and Beverly		73
relative to the construction of a new building for, at Salem		108
superior court for, to provide for an assistant clerk of		199
relative to the salary of the sheriff of		199
to pay a certain sum annually to the Essex County Law Library Association		222
remodeling of the house of correction at Ipswich by the county commissioners of		359
to pay part of expense of maintaining Essex bridge, across the Danvers river		381
to pay part of the expense of constructing a bridge over the Merrimac river at Lawrence		444
to pay part of expense of maintaining, etc., the Newburyport bridge		517
tax granted for		988
Franklin, the Mount Sugar Loaf state reservation established in		524
tax granted for		989
Hampden, superior court for, relative to the March sitting of, for civil business		22
clerical assistance to the register of probate, etc., of		156
tax granted for		990

COUNTY — *Concluded.*

	PAGE
Hampshire, the Deer Hill state reservation established in	522
tax granted for	992
Middlesex, relative to the sessions of the probate court of	217
to pay a certain sum of money annually to the Middlesex Law Library Association	221
tax granted for	993
Norfolk, clerical assistance to the treasurer of	173
tax granted for	994, 1011
Plymouth, establishment of a meridian line in	114
improvement of certain public buildings in	325, 824
tax granted for	995
Suffolk, supreme judicial court in, to establish the salary of the mes- senger of the justices of	95
enlargement of the court house in	158
service of venire by officers of the supreme judicial court in	266
salary of the deputy sheriff of	406
Worcester, an additional judge of probate to be appointed in, etc.	386
tax granted for	996
County taxes, state and, basis of apportionment for	177
Court, Boston juvenile, to define the jurisdiction of	100
relative to the cases of children in, during continuances and proba- tion	351
Court, district, the East Boston, salary of officers in attendance at	288
clerical assistance to the clerk of	276
of eastern Hampden, the town of Wilbraham included in the judicial district of	78
the first, of northern Worcester, the town of Dana included in the judicial district of	69
central, of Worcester, appointment of an additional probation officer for	167
municipal, of Boston, approval of bills in	137
appointment of a female assistant probation officer for	206
South Boston district of, to establish the salaries of the court officers of	277
probate, relative to orders by, in cases of marriage by minors	113
may license the sale of real estate of a deceased person	176
certain claims not to be barred during insolvency proceedings in	202
Middlesex county, relative to the sessions of	217
superior, to provide for certain expenses of	56
entry of writs and other processes in, in certain cases	131
county of Essex, to provide for an assistant clerk of	199
increasing the number of associate justices of	225
for Hampden county, relative to the March sitting of, for civil busi- ness	22
supreme judicial, performance of clerical duties in, in certain cases	105
entry of writs and other processes in, in certain cases	131

	PAGE
Court, supreme judicial, county of Suffolk, to establish the salary of the messenger of the justices of	95
service of venires by officers of	266
Courthouse, in the county of Suffolk, enlargement of	158
Courts, assistant clerks of, women may be appointed as	175
clerks of, issue of special precepts by	397
district, of Franklin, eastern Hampshire and eastern Hampden, salaries of justices and clerks of	88
Cradock bridge, in Medford, relative to the construction of a dam at	219
Cream, to establish a standard for	164
Cremation, of bodies of deceased persons, relative to	100
Crippled and deformed children, Massachusetts school and home for, name changed to Massachusetts Hospital School	169
Crompton and Knowles Loom Works, relative to	86
Cuttyhunk, harbor of, in Gosnold, improvement of	525

D.

D. D. and A. W. Chase Corporation, incorporated	84
Dahlquist, Francis O., in favor of the widow of	1023
resolutions on the death of	1029
Dairy bureau, to establish the salary of the general agent of	344
Dalton, town of, in favor of	975
Dam, across Mystic river, relative to the construction of	219
Damages, for death caused by negligence of persons or corporations, recovery of	324
to abutters on electric railroads, law relative to, amended	393
Dana, town of, included in the judicial district of the first district court of northern Worcester	69
Dangerous diseases, compulsory registration of persons affected with	436
compensation for caring for persons infected with	334
the state board of health to define what are to be deemed as	139
Danvers, town of, may make an additional water loan	109
Danvers insane hospital, appropriation for the maintenance of	50
improvements at	623, 1010
Danvers river, new bridge over, between Salem and Beverly, relative to the construction of, etc.	73
Essex bridge over, maintenance of	381
Deacon's pond, in Falmouth, appropriation for constructing a harbor at	7
extending the time for making improvements in	455
Deaf Mutes, the New England Industrial School for, in favor of	982
Death, caused by the negligence of a railroad or street railway corporation, to increase the penalty for	338
caused by negligence of persons or corporations, recovery of damages for	324
Debts, of deceased persons, to limit the time in which property may be sold for	530

	PAGE
Deceased persons, relative to cremation of the bodies of	100
the probate courts may license the sale of real estate of, for certain purposes	176
claims against the estates of, not to be barred during certain proceedings	202
to limit the time within which the real estate of, may be sold for payment of debts	530
to prohibit the attachment of estates of	621
Decennial census, appropriation for expenses of	40
Deeds, etc., to provide for attesting and certifying	168
Deer, law relative to the protection of, amended	263
Deer Hill State Reservation, established	522
Deer island, in Boston harbor, a certain tract of land on, ceded to the United States	122
Deficiencies, in appropriations 32, 43, 45, 149,	474
Demott, T. H. Greeley, justice of the peace, acts legalized	1009
Dennis, town of, bridge over Bass river between Yarmouth and, to be rebuilt	169
certain acts of, confirmed	266
to provide for a survey of Sesuit harbor in	979
Dentistry, board of registration in, appropriations for	23
Deposits, by certain banks, etc., law relative to, amended	326
unclaimed, with trust companies, relative to	358
in savings banks, relative to	292
Deputy sheriff, of Suffolk county, salary established	406
Detective department of the district police, appointment of a stenographer in	438
Dighton, town of, the Taunton Gas Light Company may do business in	87
not required to maintain a high school	107
the city of Taunton may supply water to	398
Disbursements, by trustees, to regulate	320
Diseased and disabled animals, humane killing of	314
Diseases, dangerous to the public health, the board of health to define what are to be deemed such	139
compensation for caring for persons infected with	334
Dissolution, of certain corporations	226
of attachments, law relative to, amended 289, 339,	448
District attorneys, approval of certain expenses of	120
District court, the East Boston, clerical assistance to the clerk of	276
salary of officer in attendance at	288
of eastern Hampden, the town of Wilbraham included in the judicial district of	78
central, of Worcester, appointment of an additional probation officer for	167
first, of northern Worcester, the town of Dana included in the judicial district of	69
District courts, Franklin, Eastern Hampshire and Eastern Franklin, salaries of justices and clerks of	88

	PAGE
District police, appropriations for salaries and expenses of	48
relative to removal and suspension from office of members of	217
duties of members of the inspection department of, relative to the employment of women and minors	352
additional members of the boiler inspection department of	396
appointment of a stenographer in the detective department of	438
appeals from requirements of, to the state board of health	463
Divorce, relative to proceedings for	337
Documents, public, appropriations for printing and binding	25
care of, by cities and towns	82
Dodge, James H., the city of Boston may grant a pension to	336
Dogfish, resolutions relative to the extermination of	1027
Dogs, unlicensed, enforcement of laws relative to	188, 189
Domestic corporations, changes in officers of	222
Dorchester bay, appropriation for dredging, etc.	6, 447
Douglas, town of, boundary line between Sutton and	364
Drains and sewers, relative to plans, descriptions and records of	315
Druggists, sale of alcohol by	143
certificates granted to, may be revoked	264
Drugs, etc., to prohibit the giving away of, in certain cases	137
adulterated, to increase the appropriation for enforcing the laws relative to	157
patent or proprietary, labelling of	203
Ducks, wild, hunting of, on ponds in Dukes County	208
Dudley, town of, boundary line between Southbridge and	68
Dukes County, hunting of wild ducks or geese on ponds in	208
tax granted for	987

E.

Eagles, etc., protection of	83
East Boston district court, clerical assistance, to the clerk of	276
salary of officer in attendance at	288
Eastern Franklin, district court of, salaries of justice and clerk	88
Eastern Hampshire, district court of, salaries of justice and clerk	88
Eastham, town of, improvement of Rock harbor in	1017
Economic Life Assurance Society, incorporated	946
Edgartown, town of, may acquire land for a boat landing	347
Education, state board of, appropriations for salaries and expenses in the office of	37
registration of teachers with, law relative to, amended	162
Education Society, the Congregational, to enlarge the powers of	104
Educational expenses, appropriations for	37
Egresses, etc., from certain buildings, relative to	466
Election, of senators in certain districts, relative to nominations for	525
Election days, sale of intoxicating liquors on	419

	PAGE
Election law, amendments to	286, 335, 369, 419, 525
to provide for the codification of	974
Elections, caucuses and, laws relative to, codified	633-775
Electric Company, the Webster, may consolidate with the Southbridge Gas and Electric Company	384
Electric railroad companies, law relative to, amended	365
law relative to, to apply to the Boynton bicycle railway	624
Electric railroads, damages by abutters on locations of, law relative to, amended	393
Elevated railways, locations of, granted to the Boston Elevated Railway Company, to revoke certain	510
Employees, to provide for one day's rest for, in seven	924
Employers, weekly payment of wages by, law relative to, amended	147
Employment, by attorneys-at-law, to prohibit the soliciting of	388
of police officers, etc., relative to removals and suspensions from	217
of women and minors in the manufacture of textile goods, hours of labor of	209
of workmen, mechanics and engineers, relative to the hours of labor of	213, 824
Employment offices, free, in certain cities, relative to expense of maintenance of	96
Engineers, etc., law relative to hours of labor of, amended	213
Engineers and firemen, law relative to granting licenses to, amended	321
Entertainments, in school buildings, relative to	265
Epileptics, age of, for admission to Massachusetts hospital for	378
Epileptics, hospital for, appropriation for the maintenance of	51
improvements at	1007
Essex bridge, between Salem and Beverly, expense of maintenance of	381
Essex county, increasing the amount to be expended by the county com- missioners of, in constructing a bridge over the Danvers river between Salem and Beverly	73
relative to the construction of a new building for, at Salem	108
relative to the salary of the sheriff of	199
superior court of, to provide for an assistant clerk of	199
law library at Lawrence, to provide for the maintenance of	222
to pay a certain sum annually to the Essex County Law Library Association	222
remodeling of the house of correction at Ipswich by the county com- missioners of	359
to pay part of expense of maintaining Essex bridge	381
to pay part of expense of constructing a bridge over the Merrimac river at Lawrence	444
to pay part of expense of maintaining, etc., the Newburyport bridge	517
tax granted for	988
Essex County Law Library Association, relative to	222
Essex Merrimac bridge, in Amesbury, maintenance of	381
Essex river, improvement of	1021

	PAGE
Estates, administration of, compromise of questions arising in cases of	392
of deceased persons, to prohibit the attachment of	621
Everett, city of, connection of certain railroad tracks in	337
the Boston Elevated Railway Company may extend its system into	456
Exchanges, of real estate by trustees, law relative to, amended	206
Executive department, appropriations for salaries and expenses in	13
list of persons connected with	1101
Executors, relative to the appointment of	90
when removed from their trust, delivery of property by	89
to regulate the accounts of	382
Exemption, from vaccination, of children attending public schools, relative to	163
from the civil service rules, of experts and inspectors of the railroad	192
commissioners	192
from taxation, of veterans of the civil war, law relative to, amended	316
Expectoration, in public places, law relative to, amended	350
Experiment station, the Massachusetts agricultural, certain information con-	226
cerning fertilizers to be published by	226
Experts, of the railroad commissioners, exempt from civil service rules	192
Exposition, the Jamestown ter-centennial, relative to	983
representation of the Commonwealth at	1009
Express companies, taxation of	957
Eye and Ear Infirmary, the Massachusetts Charitable, in favor of	981

F.

Factories, to provide for the keeping of medical and surgical appliances in	116
Factories and workshops, egresses from, etc.	466
Fall River, city of, the county of Bristol to expend certain sums of money for	221
the law library in	221
may borrow money for school purposes	291
relative to the water supply of	452
may raise money for the use of the Bradford Durfee Textile School	1000
Fall River Gas Works Company, may do business in the town of Somerset	87
Falmouth, town of, appropriation for constructing a harbor at Deacon's	7
pond in	7
extending the time for making improvements in Deacon's pond in	455
False or misleading representations, as to merchandise, etc., to prohibit	332
False marking, of articles made of gold, etc., to prohibit	406
False weight or measure, penalty for giving	340
Feeble-Minded, Massachusetts School for, appropriation for the maintenance of	52
relative to inmates of	447
improvements at	623
in favor of	1006
Fees, of business corporations, law relative to, amended	341
of persons authorized to take bail	285
Fertilizers, certain facts concerning, to be stated in the bulletin	226

	PAGE
Field artillery, for the militia, number of officers, men and horses in . . .	262
Fines and forfeitures, under laws relating to birds, mammals, etc. . . .	256
Fire, protection from, of woodlands adjoining railroads	376
Fire departments, in towns, payment of pensions to widows and children of members of	141
Fire District, the North Chelmsford, may issue bonds, etc.	74
the Onset, provision affecting	135
the Wareham, to provide a water supply for	132
Firemen, appropriation for the payment of claims arising from the death of certain	29
engineers and, law relative to granting licenses to, amended	321
Fires, forest, etc., duties of commissioners on fisheries and game in cases of	255
Firms or partnerships, doing business under a name other than their own, recording names and residences of	521
First District Court of Northern Worcester, the town of Dana included in the judicial district of	69
First Hampden senatorial district, nomination of senators in	525
Fish and game laws, appropriation for the enforcement of	1001
FISHERIES :	
relative to the sale of trout artificially reared	253
protection of seed scallops	254
in Westport river, relative to	254
taking of fish by nets and seines in Barnstable and Mashpee	256
relative to the sale and possession of small lobsters	261
stocking of great ponds with food fish	263
Fisheries and game, commissioners on, appropriations for the compensation and expenses of	60
duties of, in respect to forest fires	255
protection of certain birds by, in Martha's Vineyard	468
Fitchburg, city of, may make an additional water loan	152
Fitchburg Railroad Company, may purchase the capital stock, etc., of the Conway Electric Street Railway Company	360
Food and drugs, adulterated, to increase the appropriation for enforcing the laws relative to	157
patent or proprietary, labelling of	203
Food fish, stocking of great ponds with	263
Foreign banking corporations, relative to	514
Foreign corporations, relative to service on	288
relative to the taxation of	924
Foreign countries, law regulating deposits made for transmission to, amended	326
Foreign Missions, American Board of Commissioners for, filling of vacancies in offices of	106
Forest fires, etc., duties of the commissioners on fisheries and game in respect to	255
Forest Hills square, location of the Boston Elevated Railway Company at	487
Forest wardens, relative to	427
Forester, state, appropriations for salary and expenses of	45

	PAGE
Forester, state, salary established	422
Foxborough state hospital, appropriation for the maintenance of	59, 276, 620
construction of coal pockets at	1007
Foxborough Water Supply District, may increase its indebtedness	529
Framingham, water supply system of	330
Franklin, town of, may issue a water loan, etc.	295
Franklin, district court of, salaries of justice and clerks	88
Franklin county, the Mount Sugar Loaf state reservation established in	524
tax granted for	989
Fraternal beneficiary corporations, relative to certain	420
relative to agents of	422
Fraudulent conversion of property, by captains of vessels, relative to	336
Free employment offices, in certain cities, relative to expense of maintenance of	96
Free public library commissioners, appropriations for expenses of	37
Freemasonry, Trustees of the Scottish Rite of, may hold additional property	111
Fruit and produce, sale of	252

G.

Galen street, in Watertown, widening of, etc.	287
Game, repeal of the law relative to the protection of the great American herring gull, etc.	70
protection of loons and eagles	83
repeal of law providing a close season for certain, in the county of	
Bristol	114
protection of gray squirrels	117
hunting wild ducks or geese on ponds in Dukes County	208
relative to the protection of deer	263
protection of certain, on the island of Martha's Vineyard	468
Gaming and betting, in public places, to prohibit	316
Gas and electric light commissioners, relative to the expenses of	40
appropriations for salaries and expenses of	56
law relative to, amended	268
Gas and Electric Company, the Southbridge, may consolidate with the Webster Electric Company	384
Gas Light Company, the Greenfield, may do business in the town of Montague	86
the Taunton, may do business in the towns of Raynham and Dighton	87
Gas Works Company, the Fall River, may do business in the town of Somerset	87
Gay Head, town of, appropriation for improving the harbor of Menamsha Inlet in	6
Geese, wild, hunting of, on ponds in Dukes County	208
General agent, of the dairy bureau, salary established	344
General court, appropriations for compensation of members of, etc.	3
to provide for semi-monthly payments to members of	115
appropriation for expenses of committees of	376

	PAGE
General laws, tables showing changes in	1127
Girls, industrial school for, appropriations for salaries and expenses at	76
relative to certificates required for minors committed to	167
improvements at	1018
Girls, boys and, arrest and detention of certain	313
Gloucester, city of, construction of a wharf in the Magnolia district of	1008
Gold, etc., to prohibit false marking of articles made of	406
Gosnold, town of, improvement of Cuttyhunk harbor in	525
Gospel, Society for Propagating the, among the Indians, etc., to fix the time of the annual meeting of	506
Governor, inaugural address of	1033
special messages of	1049
Grade crossings, in the town of Clinton, abolition of	174
Grafton, town of, boundary line between the city of Worcester and	62
boundary line between Shrewsbury and	64
boundary line between Westborough and	65
Grand Army of the Republic, the town of Reading may pay a sum of money to to provide for printing, etc., the proceedings of the annual encampment of	114
to be furnished with a list of the names of persons who served in the civil war	78
Gray squirrels, relative to the close season for, in the county of Bristol	971
to provide for better protection of	114
to provide for better protection of	117
Great American herring gull, etc., protection of	70
Great ponds, stocking of, with food fish	263
Greenfield Gas Light Company, may do business in the town of Montague	86
Greylock state reservation, appropriation for	8
construction, etc., of a public way from the town of Lanesborough	142
Grier, Matthew C., relative to	971
Guardians, etc., when removed from their trust, delivery of property by	89
to provide for less delay in appointment of	118
to regulate the accounts of	382
of non-resident wards, transfer of property by, law relative to, amended	165
Guide book, of the state house, to provide for reprinting	972
Gypsy and brown tail moths, appropriations for the suppression of	21, 379
suppression of, law relative to, amended	490
additional copies of the report on the suppression of, to be printed	981
resolutions relative to	1027

H.

Hadley, town of, strengthening of riprap work on the Connecticut river in	1015
Hampden county, superior court for, relative to the March sitting of, for civil business	22
clerical assistance to the register of probate, etc., of	156
tax granted for	990

	PAGE
Hampshire county, the Deer Hill state reservation established in	522
tax granted for	992
Hanson, Richard H., in favor of	997
Harbor and land commissioners, appropriations for salaries and expenses of .	42
to supervise the transportation and dumping of material in tide waters	170
dredging of Dorchester bay by	447
may continue the improvement of Nantucket harbor	475
to continue the deepening and improving of the channel of Ipswich river	475
to construct a dike across Herring river in Wellfleet	476
to improve West Falmouth harbor	477
may dredge and improve Scorton harbor	485
may improve the entrance of West Bay, at Osterville	494
to dredge a channel in Plymouth harbor	513
to build a breakwater, etc., in the town of Scituate	526
to extend the riprap work on the Connecticut river in Agawam	475
to improve Cuttyhunk harbor in Gosnold	525
to make a survey of Rock harbor in Orleans, etc.	976, 1017
to make a survey of Sesuit harbor in Dennis	979
to dredge a channel near Orient Heights, in Boston harbor	1015
to strengthen the riprap work on the Connecticut river in Hadley . .	1015
to improve South river in Salem	1015
to make a survey of Wild harbor at North Falmouth	1016
to dredge a channel in the Connecticut river at Holyoke	1017
to improve Essex river	1021
to improve Neponset river	1022
to dredge Manchester harbor	1022
to investigate the question of establishing a system of state or municipal docks	1008
to investigate the question of constructing a wharf or pier in the Magnolia district of Gloucester	1008
Harwich, town of, construction of a bridge over Andrews creek in	192
Hatch experiment station, name changed to Massachusetts Agricultural Experiment Station	50
Haverhill, city of, the Chase and Laubham Corporation incorporated in . .	83
the D. D. and A. W. Chase Corporation incorporated in	84
to provide for a high school building commission in	461
to extend the time for constructing a new bridge over the Merrimac river in	521
Haverhill and Amesbury Street Railway Company, provision affecting . .	518
Hawkers and pedlars, relative to the licensing of	825
Heads of certain state departments, salaries of	219
relative to expenditures by	973
Health, state board of, appropriations for salaries and expenses in the office of .	58
to define what diseases are to be deemed dangerous to the public health	139
to establish the salary of the secretary of	315
to increase the appropriation for enforcing the laws relative to adulterated food and drugs	157

	PAGE
Health, state board of, may delegate certain authority	418
appeals from the district police to	463
to divide the Commonwealth into health districts, etc.	518
Health, boards of, etc., notices to be given by	191
to compensate persons held in quarantine by orders of	390
Health, public, compensation for caring for persons infected with diseases dangerous to	334
compulsory registration of persons affected with diseases dangerous to	436
Health districts, to provide for the establishment of	518
Health inspectors, to provide for the appointment of	518
Hearings, before committees of the general court, publication of	969
Heath, town of, proceedings confirmed	360
Herring river, in Wellfleet, construction of a dike across	476
Hibernia Savings Bank, incorporated	164
Highway, state, Washington street in the West Roxbury district of Boston may be laid out as	836
Highway commission, appropriations for salaries and expenses of.	112
to provide for expenses of, relative to examination of applicants for licenses to operate motor vehicles	1005
Highways, maintenance of, by neighboring cities and towns	149
Highways, state, relative to the construction of	391
Holbrook, town of, to confirm the acts of certain tax collectors in	265
Holiday, entry of writs, etc., when the first Monday of a month falls on	131
when the last day for the performance of certain acts falls on, then the act may be performed on succeeding day	154
Holyoke, city of, dredging of a channel in the Connecticut river at	1017
Home, Soldiers', in favor of the trustees of	972
additional building at	1013
the Ayer, fixing the number of trustees of	73
Homeopathic Hospital, the Newburyport, may establish a training school for nurses	109
Hopkins Academy, limiting the number of trustees of.	105
Hopkinton, town of, boundary line between Milford and	362
boundary line between Upton and	362
Horn Pond brook, in Woburn and Winchester, protection of the public health in the vicinity of	175
Hospital, for epileptics, appropriation for the maintenance of	51
age of persons eligible for admission to	378
improvements at	1007
Foxborough state, appropriation for	59, 276, 620
construction of coal pockets at	1007
Newburyport Homeopathic, may establish a training school for nurses	109
for lepers, on Penikese island, enlargement of	1002
the Northampton state, improvements at	1007
appropriations for	53
state, money may be advanced to the superintendent of	418

	PAGE
Hospital, state, improvements at	623, 1011
appropriations for salaries and expenses at	85
Hospital School, the Massachusetts, name established	169
appropriation for	310
Hours of labor, of certain women and minors, law relative to, amended	209
of workmen, mechanics and engineers, law relative to, amended	213, 824
House of correction, at Ipswich, repairs at	359
House of representatives, to establish the salary of the clerk of	262
list of members of	1104
Hudson, town of, to ratify the locations of certain streets and ways in	166
may make an additional water loan	383
Hunters, non-resident, required to be licensed	150
Hyde Park, town of, provisions of civil service act extended in	251
may purchase the franchise, etc., of the Hyde Park Water Company	451
Hyde Park Water Company, the town of Hyde Park may purchase the franchise, etc., of	451

I.

Immanuel Congregational Society, to confirm the union of, with the Walnut Avenue Congregational Society, etc.	103
Inaugural address of the governor	1033
Indians, etc., Society for Propagating the Gospel among, fixing the date of the annual meeting of	506
Indigent soldiers, etc., compensation of burial agents for	306
Industrial camp and hospital for prisoners, appropriation for the maintenance of	30
Industrial education, commission on, appropriations for salaries and expenses of	111
to inquire into the organization and methods of textile schools	999
printing of additional copies of report of	1002
Industrial school for boys, investigation on the subject of establishing	1019
Industrial School for Deaf Mutes, the New England, in favor of	982
Industrial school for girls, appropriations for salaries and expenses at	76
relative to certificates required for minors committed to	167
arrest and detention of persons escaping from	313
improvements at	1018
Inheritance taxes, law relative to, amended, etc.	397, 800
Insane, state colony for, appropriation for the maintenance of	54
erection of a stable at	1008
Insane asylum, the Medfield, appropriation for the maintenance of	52
relative to the water supply system of	1004
the Worcester, appropriation for the maintenance of	51
improvements at	1006
Insane hospital, the Danvers, appropriation for the maintenance of	50
improvements at	623, 1010

	PAGE
Insane hospital, the Taunton, appropriation for the maintenance of . . .	53
the Westborough, improvements at	623
purchase of stock for	1016
appropriation for maintenance of	54
the Worcester, appropriation for the maintenance of	53
may grant certain rights to the city of Worcester	496
may release a certain claim against the city of Worcester	514
improvements at	1016
Insanity, board of, appropriations for salaries and expenses in the office of . .	47
Inspection, of manufacturing, etc., establishments, law relative to, amended . .	352
of steam boilers, relative to	410
Inspectors, health, to provide for the appointment of	518
of the railroad commissioners, exempt from civil service rules	192
Institute, of Technology, the Massachusetts, appropriation for	6
the Worcester Polytechnic, appropriation for	7
Institutions, state, advances of money to	417
construction and improvement of buildings at	488
improvements at certain	622
Insurance, life, to authorize savings banks to do the business of	775
old age, investigation of the subject of	1022
joint special committee on, appropriation for compensation of	5
Insurance commissioner, appropriations for salaries and expenses in the office of	36
duties of, relative to the establishment of life insurance departments	
by savings banks	775-790
Insurance Company, the Contractors Mutual Liability, to extend the time	
within which it may begin to do business	55
the Rubber Manufacturers Mutual, may do a general fire insurance	
business	61
Insurance laws, codified and revised, etc.	839-923
relative to printing the report of the committee on the revision of	973
International Peace Conference, resolutions in behalf of American influence at	1028
Intoxicating liquors, sale of, on election days	419
law relative to carriers of, amended	485
Ipswich, town of, to provide for repairs at the house of correction at	359
Ipswich river, improving the channel of	475

J.

Jamestown ter-centennial exposition, appropriation for expenses in connection with	8
relative to	983, 1009
Judge of probate, an additional, to be appointed in the county of Worcester . .	386
Judicial department, appropriations for salaries and expenses in	15
list of persons comprising the	1120
Juniper Point Association, to confirm certain proceedings of	319
Juries and jury service, law relative to, amended	298

JUSTICE OF THE PEACE :		PAGE
Demott, T. H. Greeley, acts legalized		1009
Kingman, Charles W., acts legalized		978
McCarthy, Jeremiah F., acts legalized		1003
Miles, Samuel J., acts legalized		1003
Reynolds, John P., acts legalized		975
Ring, Reuben, acts legalized		1013
Robinson, William M., acts legalized		1024
Tibbetts, G. Wallace, acts legalized		1003
Underwood, Edward S., acts legalized		978
Wellington, Arthur J., acts legalized		1024
Woods, Edward F., acts legalized		1010
Justices, of certain district courts, salaries established		88
Justices of the peace, proposed amendment to the constitution relative to the removal of, submitted to the people		1020
Juvenile court, the Boston, to define the jurisdiction of		100
to provide for cases of children in, during continuances and probation		351
Juvenile offenders, attendance at court of parents of, etc.		148

K.

Killing, of old and disabled animals, relative to	314
Kingman, Charles W., justice of the peace, acts legalized	978

L.

Labelling, of patent or proprietary drugs and foods, relative to	203
Labor, hours of, of certain women and minors, law relative to, amended	209
of workmen, mechanics and engineers, law relative to, amended	213, 824
Laborers, relative to hours of labor of	213, 824
Ladies' City Mission Society, of New Bedford, in favor of	972
Land, partition of, to authorize private sales in	312
Land court, appropriations for	20
Lanesborough, town of, construction, etc., of a public way from, to the Greylock reservation	142
Law libraries, in New Bedford and Fall River, the county of Bristol to expend certain sums of money for	221
Law library, the Essex county, to provide for the further maintenance of	222
Law Library Association, the Essex County, relative to	222
the Middlesex, relative to the maintenance of	221
Lawrence, city of, relative to a temporary water supply for	61
relative to janitors of public schoolhouses in	142
maintenance of the Essex county law library in	222
appointment of a purchasing agent for	282
construction of a bridge over the Merrimac river in	443, 827
relative to a safeguard in the Merrimac river at	998

	PAGE
Lawrence, Van Courtlandt, notary public, acts legalized	1004
Lease and sale of machinery, etc., regulated	419
Legacies and successions, taxation of	800
Legislative department, list of members of	1102
Leicester, town of, maintenance of a high school in	455
Lenox, town of, water supply for	482
Lenox Water Company, provision affecting	479
Lepers, hospital for, on Penikese island, enlargement of	1002
Library, the Meekins, incorporated	269
Licenses, to engineers and firemen, law relative to, amended	321
of hawkers and pedlars, law relative to, amended	825
for non-resident hunters, relative to	150
to operate motor vehicles, examination of applicants for	1005
of theatres, etc., in Boston, relative to	408
Licensing, of certain public shows and amusements	218
Licensing board, of the city of Boston, jurisdiction of	162
Liens, on real estate, ascertainment of	329
on personal property, dissolution of certain	448
Life Assurance Society, the Mutual Direct, incorporated	317
the Economic, incorporated	946
Life insurance departments, to authorize savings banks to establish	775
Lighting, etc., in factories and workshops	466
Lincoln, town of, additional water loan for	430
Liquors, intoxicating, sale of, on election days	419
law relative to carriers of, amended	485
Listing and registration of voters, in Boston, law relative to, amended	335
Little river, the city of Lynn may construct a bridge across	177
Loan Association, the Security, relative to the charter of	303
Loan Company, the Chattel, incorporated	355
Loan and Trust Company, the American, name changed to American Trust Company	55
Lobsters, small, sale and possession of	261
Locations, of certain corporations, changes in	290
of electric railroads, law relative to damages to abutters on, amended	393
of railroad corporations, construction of ways across	268
Long Hill cemetery, in Springfield, may be acquired for school purposes	293
Loom Works, the Crompton and Knowles, relative to	86
Loons, etc., protection of	83
Lord's day, relative to printing the report of the committee on revising the laws relating to the observance of	982
joint special committee on laws relative to, appropriation for compen- sation of	5
Lowell, city of, trustees of public cemeteries in	190
may rent parts of the South Common	431
may raise money for the use of the Lowell Textile School	1000
Lowell Textile School, in favor of	1000
ventilation of the laboratories of	1000

	PAGE
Lyman, Darwin C., in favor of the widow of	1025
resolutions on the death of	1030
Lyman and industrial schools, appropriations for expenses of the trustees of .	80
Lyman school for boys, appropriations for expenses at	81
arrest and detention of persons escaped from	313
relative to certificates required from minors committed to	167
improvements at	982, 1018
Lynn, city of, may borrow money for school purposes	146
may construct a bridge across Little river	177
taxation for the improvement of streets in	215
may borrow money for the erection of a stable	292
maintenance of the bridge across Saugus river between the town of Saugus and	407
may improve its water supply	434

M.

Machinery, sale and lease of, regulated	419
etc., of water companies, taxation of	286
Magnolia district, of Gloucester, construction of a wharf at	1008
Malden, city of, the Boston Elevated Railway Company may extend its sys- tem into	456
Manchester, town of, may take an additional water supply	431
Manchester harbor, to provide for dredging	1022
Manual, of the state board of charity, to be published	982
Manufacturing establishments, inspection of, law relative to, amended .	352
Marion, town of, water supply for	210
Marking, falsely, of articles made of gold, etc., to prohibit	406
Marlborough, city of, construction of a municipal building in	331
Marriage, of certain minors, the probate court may issue orders allowing, in certain cases	113
Martha's Vineyard, protection of certain game on the island of	468
Mashpee, town of, to prohibit the taking of fish in the waters of, by nets and seines	256
Massachusetts, Commonwealth of, relative to the boundary line between the state of Connecticut and	978
Massachusetts Agricultural College, appropriations for	22
in favor of	970, 979
improvements at	1013
Massachusetts Agricultural Experiment Station, name established	50
information concerning fertilizers to be published by	226
Massachusetts Charitable Eye and Ear Infirmary, in favor of	981
Massachusetts commission for the blind, law relative to, amended	123
Massachusetts highway commission, appropriations for salaries and expenses of construction of state highways by	112
examination of applicants for licenses to operate motor vehicles by . .	391
	1005

	PAGE
Massachusetts hospital for epileptics, appropriation for the maintenance of	51
age of epileptics eligible for admission to	378
improvements at	1007
Massachusetts Hospital School, name established	169
appropriation for	310
Massachusetts Institute of Technology, appropriation for	6
Massachusetts nautical training school, commissioners of, appropriations for the expenses of	58
Massachusetts reformatory, appropriations for salaries and expenses at	31
sentences to	198
money may be advanced to the superintendent of	417
repairs and improvements at	980
Massachusetts school for the blind, appropriation for	124
Massachusetts School Fund, appropriation for	5
appropriations for premiums on securities purchased for	9
Massachusetts school and home for crippled and deformed children, name changed to Massachusetts Hospital School	169
Massachusetts School for the Feeble-minded, appropriation for the maintenance of	52
relative to inmates of	447
improvements at	623
in favor of	1006
Massachusetts State Firemen's Association, appropriation for	9
Massachusetts state sanatorium, appropriation for the maintenance of	110
admission of persons to	167
improvements at	1009
McCarthy, Jeremiah, in favor of	1018
Jeremiah F., justice of the peace, acts legalized	1003
Measures, etc., to provide for testing and sealing	517
appointment of a commissioner of	515
Mechanical establishments, inspection of, law relative to, amended	352
Mechanics, etc., law relative to hours of labor of, amended	213, 824
protection of tools of	463
Medfield insane asylum, appropriation for the maintenance of	52
relative to the water supply system of	1004
Medford, city of, certain structures may be built over Mystic river in	219
Medical appliances, etc., to provide for the keeping of, in factories	116
Medicine, board of registration in, appropriations for	30
Medicines, etc., to prohibit the giving away of certain	137
Meekins Library, incorporated	269
Melrose, city of, relative to the water loan of	121
Menamsha Inlet, appropriation for improving the harbor of	6
Mercantile establishments, inspection of, law relative to, amended	352
Merchandise, offered for sale, to prohibit misrepresentation of	332
storage and sale of, use of the public streets for, in the city of Boston	949
Merger bill, so-called	952

	PAGE
Merrimac river, maintenance of a bridge across, in Amesbury	381
construction of a bridge over, in Lawrence	443, 827
expense of maintaining and operating the Newburyport bridge across .	517
bridge over, in Haverhill, to extend the time for constructing, etc. .	521
relative to a safeguard in, in the city of Lawrence	998
Messages, special, of the governor	1049
Messenger, of the justices of the supreme judicial court, county of Suffolk, salary established	95
Messengers, of the sergeant-at-arms, salaries established	311
Metropolitan district, investigation of the subject of improvements in . .	1014
Metropolitan park, sewer and water districts, assessments for the maintenance of	116
Metropolitan park commission, appropriations for the care and maintenance of certain reservations under the charge of	70, 71, 72, 77
to maintain part of a certain dam across Charles river in Watertown .	166
may build certain structures across the Mystic river, in the city of Medford	219
may grant locations for boat houses on Charles river	345
to furnish band concerts upon parks, etc.	379
to establish a zoölogical garden in the Middlesex Fells reservation .	394
Metropolitan water district, disposition of money received for water furnished by, to outside cities or towns	177
to prevent waste of water supplied to cities and towns in	495
Metropolitan water and sewerage board, may sell certain property for widen- ing a railroad in the town of Natick	839
Metropolitan water system, relative to supplying water from, to certain cities and towns	302
Mexican Central Railway Company, Limited, to provide for reimbursing, for certain taxes paid by it	980
Middleborough, town of, the Rock Cemetery Association incorporated in .	79
Middlesex county, relative to the sessions of the probate court of	217
to pay a certain sum annually to the Middlesex Law Library Asso- ciation	221
tax granted for	993
Middlesex Fells reservation, a zoölogical garden to be established in . .	394
Middlesex Law Library Association, relative to the maintenance of . . .	221
Miles, Samuel J., justice of the peace, acts legalized	1003
Milford, town of, boundary line between Upton and	361
boundary line between Hopkinton and	362
Military expenses, appropriations for	93
Militia, relative to the number of officers, men and horses for the field ar- tillery in	262
relative to the organization of	309
appropriation for rental of armories for	401
construction and maintenance of armories for	496
rifle team of, to participate in certain competitions, to provide for expenses of	975

	PAGE
Militia, to provide for reimbursing certain members of, for loss of property by fire	977
purchase of full dress uniforms for	1002
Millbury, town of, boundary line between Oxford and	66
boundary line between Sutton and	363
Millers Falls Water Supply District, may purchase, etc., electricity	632
Minors, the probate court may issue orders allowing the marriage of, in certain cases	113
attendance at court of parents of, etc.	148
committed to the Lyman school for boys and the industrial school for girls, age and schooling certificates of	167
law relative to the hours of labor of, amended	209
under fourteen years of age, admission of, to places of amusement	308
relative to the continuance of cases of, in the Boston juvenile court	351
women and, relative to the employment of	352
Miscellaneous expenses, appropriations for 26, 257, 401, 471,	960
Mitchell's river, in Chatham, relative to the construction of a bridge across	389
Montague, town of, the Greenfield Gas Light Company may do business in	86
Monument, dedication of, at Winchester, Virginia	1019
to be erected in Newbern, N. C.	979
to General William Shepard, the town of Westfield may raise money for	529
Mortgages, relative to the discharge of	252
of co-operative banks, law relative to, amended	304
Motor cycles, etc., records of convictions under laws relative to	348
law relative to, amended	925
Motor vehicles, use of, on public and private ways	153
examination of applicants for licenses to operate	1005
Mount Sugar Loaf Reservation, established	524
Mount Tom State Reservation, appropriation for	8
Municipal court, Boston, approval of bills arising in	137
appointment of a female assistant probation officer for	206
South Boston district of, to establish the salaries of the court officers of	277
Municipal docks, investigation as to a system of	1008
Municipal liens, on real estate, ascertainment of	329
Munroe and Knight Machine Screw Company, relative to	632
Muster rolls, return of certain, to the state of New Jersey	975
Mutual Direct Life Assurance Society, incorporated	317
Mutual Liability Insurance Company, the Contractors, extending the time within which it may commence to do business	55
Mystic river, certain structures may be built over, in the city of Medford	219
purification of	507

N.

	PAGE
Names, of firms and partnerships, doing business under certain other names, to be recorded	521
NAMES CHANGED, OF CORPORATIONS, ETC. :	
American Loan and Trust Company	55
Hatch experiment station	50
Massachusetts School and Home for Crippled and Deformed Children .	169
School for the Feeble-Minded	361
Town of Cottage City	22
Worcester County Truant School	148
Names changed, of children, by adoption, relative to	346
Names changed, of persons, decreed by the probate court	1089
Nantasket Beach reservation, appropriation for the maintenance of . .	77
Nantucket harbor, improvement of	475
Nantucket Sound, to prohibit the taking of fish by nets and seines in certain waters of	256
Nashua and Acton Railroad, incorporated	207
Natick, town of, widening of a certain railroad in	839
Nautical training school, commissioners of, appropriations for the expenses of	58
Neglected and delinquent children, to provide for the payment of witness fees in cases of	113
Negligence, of persons or corporations, recovery of damages for death caused by	324
of railroad or street railway corporations, to increase the penalty for loss of life through	338
Neponset river, improvement of	1022
New Bedford, city of, may borrow money for purposes of sewage disposal .	139
may borrow money for school purposes	140
the county of Bristol to expend certain sums of money for the law library in	221
may borrow money for constructing a building for municipal purposes .	305
may borrow money for reconstructing the city hall as a public library building	306
the Ladies' City Mission Society of, in favor of	972
may raise money for the use of the New Bedford textile school . .	999
New Bedford and Onset Street Railway Company, may manufacture and sell electricity, etc.	324
New Bedford textile school, in favor of	999
New England Industrial School for Deaf Mutes, in favor of	982
New England Railroad Company, provisions affecting	613
New Jersey, state of, return of certain muster rolls to	975
New York, Brockton and Boston Canal and Transportation Company, to extend the time for a refund to the Commonwealth by	621
New York, New Haven and Hartford Railroad Company, provisions affecting	174, 613
to increase the terminal facilities of	385

	PAGE
New York Central and Hudson River Railroad Company, provisions affecting	613
Newbern, N. C., a monument to be erected in, to Massachusetts soldiers	979
Newburyport, city of, relative to the expense of maintaining and operating the bridge across the Merrimac river between the town of Salisbury and	517
Newburyport bridge, across the Merrimac river, relative to the expense of maintaining and operating	517
Newburyport Homeopathic Hospital, may establish a training school for nurses	109
Newton, city of, boundary line between the town of Brookline and	194
Newton Police Benefit Association, Incorporated, relative to	291
Nomination, of senators from certain districts, relative to	525
Non-resident hunters, required to procure licenses	150
Non-resident wards, transfer of property of, by guardians, law relative to, amended	165
Norfolk county, clerical assistance to the treasurer of	173
tax granted for	994, 1011
Normal schools, state, appropriations for	38
North Adams, city of, additional water loan for	342
North Andover, town of, may furnish water temporarily to the city of Lawrence	61
North Chelmsford Fire District, may issue bonds, etc.	74
North Falmouth, to provide for a survey of Wild harbor at	1016
North metropolitan system of sewage disposal, appropriation for	153
Northampton, city of, relative to the salary of the mayor of	106
charter amended	154
Northampton state hospital, appropriation for the maintenance of	53
improvements at	1007
Norwood, town of, construction of a system of sewage disposal	97
Notaries public, proposed amendment to the constitution relative to the removal of, submitted to the people	1020
NOTARY PUBLIC :	
Lawrence, Van Courtlandt, acts legalized	1004
Underwood, Edward S., acts legalized	978
Notices, to be given by boards of health, etc., relative to	191
Now and Then Association, of Salem, may hold real and personal estate	297
Nursery inspector, for the protection of trees and shrubs, appointment of	273
Nurses, appointment of, by the school committee of Boston	309

O.

Oak Bluffs, town of, to establish the corporate name of	22
Officials, of the Commonwealth, relative to expenditures by	973
Old, diseased and disabled animals, humane killing of	314
Old age insurance, etc., investigation of the subject of	1022

Old Colony Railroad Company, the franchise, etc., of the Boston and Providence Railroad Company may be sold to	486
provision affecting	174
Old Home Week, the state house to be decorated during	1024
Old home week or day, towns may appropriate money for	266
Old state house, preservation of	333
Onset Fire District, provision affecting	135
Onset Water Company, provision affecting	132
Orient Heights, dredging a channel near	1015
Orleans, town of, to provide for a survey of Rock harbor in, etc.	976, 1017
Osterville, improvement of West Bay at	494
Oxford, town of, boundary line between Charlton and	64
boundary line between Millbury and	66

P.

Pardons granted in 1906	1049-1058
Parks, parkways, etc., band concerts to be furnished in	379
Partition of land, to authorize private sales in	312
Partition of real estate by trustees, law relative to, amended	206
Partnerships, associations, etc., taking of deposits by certain, law relative to, amended	326
doing business under names other than their own, names and residences of, to be recorded	521
to allow their employees one day's rest in seven	924
Passenger fares, on railroads, relative to the equalization of	1004
Patent or proprietary drugs and foods, labelling of	203
Pawnbrokers, relative to records to be kept by	160
Peabody, town of, may borrow money for sewer construction	352
Peace Conference, the International, resolutions in behalf of American influence at	1028
Pedlars, relative to the licensing of	825
Penikese island, enlargement of hospital for lepers on	1002
Pensions, to widows or children of members of police and fire departments in towns	141
old age, investigation of the subject of	1022
Personal property, dissolution of certain liens on	448
Pharmacy, board of registration in, appropriations for	43
law relative to, amended	102
may revoke certificates granted to druggists and apothecaries	264
salaries established	343
Pilgrim Memorial Monument, the town of Provincetown may appropriate money for the laying of the corner stone of	420
Pinnated grouse, etc., protection of, in Martha's Vineyard	468
Pittsfield, city of, may borrow money for sewerage purposes	153
may renew its water loan	208
additional water supply for	478

	PAGE
Plans, etc., of main drains and common sewers, relative to	315
Playgrounds, in the city of Boston, to enlarge the powers of the school committee in respect to	253
Plymouth, town of, improvement of certain county buildings in	325, 824
may improve the channel in Plymouth harbor	329
Plymouth Cordage Company, may expend its funds in improving a channel in Plymouth harbor	321
Plymouth county, establishment of a meridian line in	114
improvement of certain public buildings in	325, 824
tax granted for	995
Plymouth harbor, the Plymouth Cordage Company may improve the channel of improvement of a certain channel in, etc.	321 329, 513
Police, of Boston, members of, relieved from duty at certain times	477
Police, district, appropriations for salaries and expenses of	48
relative to removal from office of members of	217
duties of members of the inspection department of, relative to the employment of women and minors	352
additional members of the boiler inspection department of	396
appointment of a stenographer in the detective department of	438
appeals from requirements of, to the state board of health	463
Police Benefit Association, the Newton, relative to	291
Police departments in towns, payment of pensions to widows and children of members of	141
Police officers, in the classified civil service, removals and suspension from office	217
Political advertisements, unsigned, to prohibit the publication of	929
Political committees, nomination of persons to be elected members of, in certain senatorial districts	525
Political contributions, certain corporations prohibited from making	929
Polytechnic Institute, the Worcester, appropriation for	7
Porters, at the state house, compensation of	333
Precepts, issue of, by clerks of courts	397
Premiums, on securities purchased for the Massachusetts School Fund, appropriation for	9
Printing, state, relative to the contract for	1005
Printing and binding public documents, etc., appropriations for	25
Prison, the reformatory, appropriations for salaries and expenses at sentences to	31 198
money may be advanced to the superintendent of	417
repairs and improvements at	980
state, appropriations for salaries and expenses at	28
money may be advanced to the warden of	417
relative to the relocation of	1004
women's, appropriations for salaries and expenses at	31
sentences to	197
money may be advanced to the superintendent of	418
Prison camp and hospital, at Rutland, relative to	980

	PAGE
Prison commissioners, appropriations for salaries and expenses in the office of	28
may destroy certain old reports, etc.	981
to investigate the subject of the relocation of the state prison	1004
Prisoners, industrial camp and hospital for, appropriation for the maintenance of	30
Private passageways, relative to paving	201
Probate court, relative to orders by, in cases of marriage of minors	113
may license the sale of real estate of a deceased person	176
certain claims not to be barred during insolvency proceedings in	202
Middlesex county, relative to sessions of	217
Probate and insolvency, county of Worcester, an additional judge of, to be appointed	386
Probation, relative to certain persons placed on	351
Probation officer, additional, for the central district court of Worcester, appointment of	167
Proceedings for divorce, relative to	337
Property, attachment of, appeals in cases of	528
Proprietary drugs and foods, labelling of	203
Proprietors of the Tabernacle Church in Salem, relative to the annual meeting of	108
Proprietors of Rehoboth, custody of the records and plans of,	999
Province laws, appropriations for continuing the publication of	81
Provincetown, town of, may appropriate money for the laying of the corner stone of the Pilgrim Memorial Monument	420
may supply itself with water	439
Provincial state house, to provide for the preservation of	333
Public administrators, law relative to the duties of, amended	223
Public documents, appropriations for printing and binding	25
care of, by cities and towns	82
Public halls, etc., in the city of Boston, licensing of	408
Public health, diseases dangerous to, to be defined	139
compensation for caring for persons infected with diseases dangerous to	334
compulsory registration of persons affected with diseases dangerous to	436
Public records, etc., to provide for attesting and certifying	168
commissioner of, appropriations for salary and expenses of	21
Public shows and amusements, licensing of certain	218
Punchard Free School, investments by the trustees of	82

Q.

Quahaugs, etc., may be taken for bait from contaminated waters	224
Quail, etc., relative to the close season for, in the county of Bristol	114
Quarantine, to compensate persons held in, by orders of boards of health	390
Quincy, city of, may borrow money for purposes of sewage disposal	139

R.

	PAGE
Rabbits or hares, relative to the close season for, in the county of Bristol	114
Radcliffe College, to enlarge certain powers of	408
Railroad commissioners, appropriations for salaries and expenses of	41
to permit the connection of certain railroad tracks in the city of Everett	337
to investigate the question of the equalization of passenger fares on railroads	1004
Railroad companies, electric, law relative to, amended	365
Railroad corporations, relative to the charge for storage of baggage by	225
construction of ways across locations of	268
to increase the penalty imposed on, for loss of life through negligence	338
to restrain the consolidation of	952
RAILROAD CORPORATIONS :	
Boston and Albany, provisions affecting	613, 839
resolutions relative to the freight and passenger service rendered by	1029
Boston and Lowell, provision affecting	443
Boston and Maine, relative to the tracks of, in the city of Everett	337
provisions affecting	174, 443
Boston and Providence, franchise, etc., of, may be sold to the Old Colony Railroad Company	486
Boston, Quincy and Fall River Bicycle Railway Company, charter revived	624
Concord and Montreal, provision affecting	207
Connecticut River, provisions affecting	613
Fitchburg, may purchase the capital stock, etc., of the Conway Elec- tric Street Railway Company	360
Mexican Central, Limited, to provide for reimbursing, for certain taxes paid by it	980
Nashua and Acton, incorporated, etc.	207
New England, provisions affecting	613
New York Central and Hudson River, provisions affecting	613
New York, New Haven and Hartford, provisions affecting	174, 613
to increase the terminal facilities of	385
Old Colony, the franchise, etc., of the Boston and Providence Railroad Company may be sold to	486
provision affecting,	174
Worcester, Nashua and Rochester, provision affecting	174
Railroad experts and inspectors, exempt from civil service rules	192
Railroad tickets, for transportation to or from foreign countries, law relative to the sale of, amended	326
Railroads, woodlands adjoining, protection of, from fire	376
electric, damages by abutters on location of, law relative to, amended	393
passenger fares on, relative to the equalization of	1004
Randolph, town of, may borrow money for renewing certain notes	311

	PAGE
Rausch, Adam J., in favor of	1001
Raymond, Ella, in favor of	979
Raynham, town of, the Taunton Gas Light Company may do business in	87
Reading, town of, may pay a sum of money to Post 194, G. A. R.	114
may make an additional water loan	331
Real estate, of a deceased person, the probate court may license the sale of, for certain purposes	176
of incorporated agricultural societies, sale or mortgage of	142
to limit the time within which sale may be made of, in certain cases	530
sale and transfer of, by trustees, law relative to, amended	206
of water companies, taxation of	286
dissolution of attachments of	289
writs of attachment of	320
ascertainment of liens on	329
Receipts, warehouse, to make uniform the law of	930
Recess committees, of the general court, appropriations for compensation of	5
Record, of Massachusetts soldiers and sailors, appropriation for the publication of	50
Records, of main drains and common sewers, relative to	315
of pawnbrokers, relative to	160
public, etc., to provide for attesting and certifying	168
revolutionary, compilation and indexing of	971
certain, in the office of the adjutant general, preservation of	970
Reformatory expenses, appropriations for	28
Reformatory, the Massachusetts, sentences to	198
appropriations for salaries and expenses at	31
money may be advanced to the superintendent of	417
repairs and improvements at	980
Reformatory prison for women, appropriations for salaries and expenses at	31
sentences to	197
money may be advanced to the superintendent of	418
Register of probate, etc., Hampden county, clerical assistance for	156
assistant, Barnstable county, appointment of	157
Registration, of carriers of intoxicating liquors, law relative to, amended	485
of persons affected with dangerous diseases, to be compulsory	436
in dentistry, board of, appropriations for	23
in medicine, board of, appropriation for	30
in pharmacy, board of, appropriations for	43
law relative to, amended	102
may revoke certificates granted to druggists and apothecaries	264
salaries established	343
of teachers, with the board of education, law relative to, amended	162
in veterinary medicine, board of, appropriations for	25
law relative to, amended	267
of voters, in Boston, law relative to, amended	335
Rehoboth, custody of records and plans of the Proprietors of	999

RELIGIOUS SOCIETIES :	PAGE
Immanuel Congregational, to confirm the union of, with the Walnut Avenue Congregational Society	103
Proprietors of the Tabernacle Church in Salem, relative to the annual meeting of	108
Walnut Avenue Congregational, to confirm the union of, with the Immanuel Congregational Society	103
Removals and suspensions from office, of the district police and other police officers in the classified civil service	217
Reparation, making of, in certain cases	289
Report, on birds of the Commonwealth, preparation and printing of, etc.	974, 1002
of commission on industrial education, printing additional copies of	1002
of commission to investigate measures for the relief of consumptives, printing of	998
of the superintendent for the suppression of the gypsy and brown tail moths, additional copies of, to be printed	981
of committee on the revision of the insurance laws, relative to printing of the joint special committee on the revision of the Lord's day laws, relative to printing	973
of committee on the revision of laws relating to taxation, relative to printing	982
of committee on the revision of laws relating to taxation, relative to printing	973
of the state board of charity, to contain a statement of certain facts	216
Reports, of condition of trust companies, relative to	272
Representatives, house of, list of members of	1104
Reservation, the Deer Hill, established	522
the Greylock, appropriation for	8
construction, etc., of a public way from the town of Lanesborough to	142
the Mount Sugar Loaf, established	524
the Mount Tom, appropriation for	8
Reservoir Company, the Walpole, incorporated	464
Resolutions, relative to the gypsy and brown tail moths	1027
relative to the extermination of the dogfish	1027
in behalf of an International Peace Conference	1028
relative to the freight and passenger service on the Boston and Albany railroad	1029
on the death of Francis O. Dahlquist	1029
on the death of Darwin E. Lyman	1030
Rest, to provide for one day in seven, of certain employees	924
Restitution, making of, in certain cases	289
Retirement of veterans, relative to	405
Returns, certain, made to the bureau of statistics of labor, relative to	55
Revere, town of, appropriation for constructing a breakwater in the harbor of may borrow money for school purposes	7
may borrow money for school purposes	172
Revised Laws, tables showing changes in	1127
Revocation, of charters of clubs, etc., relative to	289
Revolutionary records, compilation and indexing of	971

	PAGE
Reynolds, John P., justice of the peace, to legalize the acts of	975
Rifle team, of the militia, to participate in certain competitions, to provide for expenses of	975
Ring, Reuben, justice of the peace, acts legalized	1013
Ripley, Alexander K., in favor of	1018
Riverbank subway, to provide for the construction of	827
Roaring brook, in Lenox, the city of Pittsfield may take water from, for a water supply	478
Robinson, William M., justice of the peace, to legalize the acts of	1024
Rock Cemetery Association, incorporated	79
Rock harbor, in Orleans, to provide for a survey of, etc.	976, 1017
Roxbury Central Wharf, the New York, New Haven and Hartford Railroad Company may purchase the property of	385
Rubber Manufacturers Mutual Insurance Company, may do a general fire insurance business	61
Rutherford avenue, in Boston, height of buildings on	358
Rutland, town of, relative to the prison camp and hospital at	980

S.

Salaries, of the justices and clerks of certain courts	88
messenger of justices of the supreme judicial court, county of Suffolk .	95
assistant clerk, supreme judicial court	105
mayor of the city of Northampton	106
assistant clerk, superior court, county of Essex	199
sheriff, county of Essex	199
assistant register of probate, county of Barnstable	157
heads of certain state departments	219
clerks of the senate and house of representatives	262
court officers, municipal court of the South Boston district	277
court officer, East Boston district court	288
civil service commissioners	294
sergeant-at-arms' messengers	311
secretary of the state board of health	315
state house porters	333
board of registration in pharmacy	343
agent of the dairy bureau	344
secretary of the civil service commission	398
deputy sheriff, county of Suffolk	406
state forester	422
stenographer in the detective department of the district police	439
tax commissioner, etc.	810
insurance commissioner, etc.	841
Sale, of alcohol, by druggists and apothecaries, relative to	143
of coal, in small quantities, relative to	170
of fruit and produce, relative to	252

	PAGE
Sale, of intoxicating liquors on election days, law relative to, amended	419
of merchandise, to prohibit misrepresentation in cases of	332
in the public streets of the city of Boston, relative to	949
of property of deceased persons, to limit the time for	530
of real estate, of a deceased person, the probate courts may license, for certain purposes	176
by trustees, law relative to, amended	206
of small lobsters	261
of trout artificially reared, relative to	253
of machinery, etc., regulated	419
Salem, city of, relative to the construction of a new bridge over Danvers river between Beverly and	73
relative to the construction of a new building for the county of Essex in may take certain property for a police station	108
the Now and Then Association of, may hold real and personal estate	160
maintenance of Essex bridge, across Danvers river between Beverly and improvement of South river in	297
	381
	1015
Sales, private, in cases of partition of land, relative to	312
Salisbury, town of, relative to the expense of maintaining and operating the bridge across the Merrimac river between the city of Newburyport and	517
Sanatorium, state, appropriation for the maintenance of	110
admission of persons to	167
improvements at	1009
Sanatoriums, to provide for establishing additional	423
Sanitary conditions, etc., in factories and workshops	466
Saugus, town of, maintenance of the bridge across Saugus river between the city of Lynn and	407
Saugus river, maintenance of a bridge across	407
Savings Bank, Hibernia, incorporated	164
Savings banks, certain bonds held by, exempt from taxation	192
relative to unclaimed deposits in	292
Savings banks, may establish life insurance departments	775
to provide for an examination of the laws relating to	976
Scale bill, so-called	517
Scallops, seed, protection of	254
School buildings, relative to entertainments in	265
School children, vaccination of, relative to exemption from	163
School committee, city of Boston, to enlarge the powers of, in respect to physical education	252
appointment of nurses by	309
SCHOOL PURPOSES :	
Fall River may borrow money for	291
Lynn may borrow money for	146
New Bedford may borrow money for	140
Revere may borrow money for	172
Springfield may acquire Long Hill cemetery for	293

	PAGE
School and home for crippled and deformed children, the Massachusetts, name changed to Massachusetts Hospital School	169
Schoolhouses, in Boston, construction of	395
Scituate, town of, building of a breakwater, etc., in	526
Scorton harbor, improvement of	485
Scottish Rite of Freemasonry, the Trustees of, may hold additional property	111
Sealers of weights and measures, relative to the seals of	223
Sealing, etc., of weights and measures, to provide for	517
Seals, of sealers of weights and measures, relative to	223
Secretary, of the board of registration in pharmacy, salary established	343
of the civil service commission, salary of	398
of the state board of health, to establish the salary of	315
SECRETARY OF THE COMMONWEALTH :	
appropriations for salaries and expenses in the department of	32
duties of, relative to the printing and distribution of the proceedings of the annual encampments of the Grand Army of the Republic	78
to establish the salary of	219
compiling, indexing, etc., revolutionary records in the office of	971
authorized to return certain muster rolls to the state of New Jersey	975
Security Loan Association, relative to the charter of	303
Seed scallops, relative to the protection of	254
Seminary, the Andover Theological, Trustees of, incorporated	204
Senate, to establish the salary of the clerk of	262
list of members of	1102
Senators, from certain districts, nomination of	525
Sergeant-at-arms, appropriations for salaries and expenses in the department of	24
to establish the salaries of the messengers of	311
may dispose of certain documents	998
to decorate the state house during Old Home Week	1024
Service, on foreign corporations, relative to	288
of venires, by officers of the supreme judicial court in the county of Suffolk, relative to	266
Sesuit harbor, in Dennis, to provide for a survey of	979
SEWAGE DISPOSAL :	
New Bedford may borrow money for purposes of	139
Norwood, amendment to act providing a system for	97
Peabody may borrow money for purposes of	352
Pittsfield may borrow money for purposes of	153
Stoneham may borrow money for purposes of	493
Wellesley may construct a system of	818
Sewer assessments, law relative to apportionment of, amended	131
Sewers, drains, relative to plans and records of	315
construction of	409
Sharon, town of, the Walpole Reservoir Company incorporated in	465
Shelburne Falls and Conway Street Railway Company, may extend its railway into the town of Buckland	164

Shepard, William, the town of Westfield may raise money for erecting a monument to	529
Sheriff, county of Essex, salary established	199
Shoe machinery bill, so-called	419
Shows and amusements, public, licensing of certain	218
Shrewsbury, town of, boundary line between Westborough and	63
boundary line between Grafton and	64
Shrubs, trees and, to provide for the protection of	273
Sinking funds, appropriations for sundry	14
Slot machines, relative to the licensing of	218
Small lobsters, sale and possession of	261
Smith, Louis Benjamin, in favor of	983
Snow, removal of, by street railway companies	270
SOCIETIES (see also "Religious Societies"):	
Bristol County Agricultural, the Bristol County Fair, Incorporated, invested with the rights of	225
Congregational Education, to enlarge the powers of	104
Economic Life Assurance, incorporated	946
Ladies' City Mission, of New Bedford, in favor of	972
Mutual Direct Life Assurance, incorporated	317
for Propagating the Gospel among the Indians, etc., fixing the date of its annual meetings, etc.	506
Societies, agricultural, sale or mortgage of real estate of	142
Soldiers, etc., appropriations for payment of annuities to	10
appropriation for the publication of a record of	50
indigent, compensation of burial agents of	306
who served in the civil war, law relative to the taxation of, amended	316
Soldiers' Home, in favor of the trustees of	972
additional building at	1013
Somerset, town of, the Fall River Gas Works Company may do business in	87
South Bay Wharf and Terminal Company, the New York, New Haven and Hartford Railroad Company may purchase the property of	385
South Boston district, municipal court of, to establish the salaries of the court officers of	277
South metropolitan system of sewage disposal, appropriation for	152
South river, in Salem, improvement of	1015
Southbridge, town of, boundary line between Charlton and	67
boundary line between Dudley and	68
Southbridge Gas and Electric Company, may consolidate with the Webster Electric Company	384
Spanish war veterans, the united, relative to	173
Special messages of the governor	1049
Special precepts, issue of, by clerks of courts	397
Spit bill, so-called, amended	350
Springfield, city of, election of assistant assessors of	59
may acquire Long Hill cemetery, for school purposes	293
to improve the river front of	612

	PAGE
Springfield, city of, Economic Life Assurance Society incorporated in . . .	946
Spy pond, relative to the purification of . . .	507
State aid and pensions, commissioner of, may employ additional clerical assistance	32
State board of agriculture, may appoint a state nursery inspector, etc.	273
to establish the salary of the general agent of the dairy bureau of	344
certain notices to be given to the cattle bureau of	191
appropriations for salaries and expenses in the office of	44
State board of charity, appropriations for salaries and expenses in the department of	75
relative to the duties of	216
to prepare and publish a manual, etc.	982
to investigate the subject of establishing an industrial school for boys	1019
State board of conciliation and arbitration, appropriations for salaries and expenses of	10
State board of education, appropriations for salaries and expenses in the office of	37
registration of teachers with, law relative to, amended	162
State board of health, appropriations for salaries and expenses in the office of	58
to define diseases that shall be deemed dangerous to the public health	139
to increase the appropriation for, in enforcing laws relative to adulterated food and drugs	157
to establish the salary of the secretary of	315
may delegate certain authority	418
appeals from the district police to	463
to divide the Commonwealth into health districts, etc.	518
State board of insanity, appropriations for salaries and expenses in the office of	47
State colony for the insane, appropriation for the maintenance of	54
erection of a stable at	1008
State departments, to equalize the salaries of the heads of certain	219
State farm, appropriations for salaries and expenses at	41
trustees of, may sell certain land in Bridgewater	348
money may be advanced to the superintendent of	417
improvements at	623, 1011
State forester, appropriations for salary and expenses of	45
salary established, etc.	422
State highway, Washington street in the West Roxbury district of Boston may be laid out as	836
State highways, relative to the construction of	391
State hospital, appropriations for salaries and expenses at	85
money may be advanced to the superintendent of	418
improvements at	623, 1011
and state farm, trustees of, may exchange certain land in Bridgewater	348
the Foxborough, appropriations for	59, 276, 620
the Northampton, appropriation for	53

	PAGE
State industrial school for girls, appropriations for salaries and expenses at	76
relative to certificates required for minors committed to	167
arrest and detention of girls escaping from	313
improvements at	1018
State institutions, construction and improvement of buildings at	488
advances of money to	417
improvements at certain	622
State normal schools, appropriations for	38
State library, appropriations for salaries and expenses in	9
State printing, relative to the contract for	1005
State Reservation, the Deer Hill, established	522
the Greylock, appropriation for	8
construction, etc., of a public way from the town of Lanesborough to	142
the Mount Sugar Loaf, established	524
the Mount Tom, appropriation for	8
State School, the Wrentham, name established	361
State prison, appropriations for salaries and expenses at	28
money may be advanced to the warden of	417
relative to the relocation of	1004
State tax, apportioned and assessed	790
State and county taxes, basis of apportionment for	177
State and military aid, appropriations for the payment of	57
State house, compensation of the porters at	333
relative to the extension of	527
to provide for the decoration of, during Old Home Week	1024
the old, to provide for the preservation of	333
State house guide book, to provide for reprinting	972
State or municipal docks, investigation as to the establishment of a system of	1008
Statistics of labor, bureau of, relative to certain annual returns made to	55
appropriations for salaries and expenses in	117
to furnish certain information to the Massachusetts department of the Grand Army of the Republic	971
Steam boilers, operation and inspection of	410
Steamship tickets, law relative to persons engaged in selling, amended	326
Stenographer, in the detective department of the district police, appointment of	438
Stocking of great ponds with food fish, law relative to, amended	263
Stoneham, town of, may borrow money for sewerage purposes	493
water loan for	632
Stony brook, in Boston, construction of sewerage works within the watershed of	442
Storage, of baggage, by railroad corporations, relative to	225
Stoughton, town of, may refund certain indebtedness	470
Stow, town of, certain proceedings confirmed	343
Street railway companies, removal of snow by	270
acting as common carriers, relative to	344
Street railway corporations, to increase the penalty imposed on, for loss of life through negligence	338

STREET RAILWAY CORPORATIONS :	PAGE
Boston Elevated Railway Company, relative to claims against, for damages	220
may extend its system through the cities of Everett and Malden	456
location of, at or near Forest Hills square	487
revoking certain locations granted to, in Boston	510
provisions affecting	827
Boston and Northern, provisions affecting	408
Conway Electric, the Fitchburg Railroad Company may purchase the capital stock, etc., of	360
Haverhill and Amesbury, provisions affecting	518
New Bedford and Onset, may manufacture and sell electricity, etc.	324
Shelburne Falls and Colrain, may extend its railway into the town of Buckland	164
Sturbridge, town of, the Webster Electric Company may do business in	385
Subway, etc., in the city of Boston, construction of	827
Successions, legacies and, taxation of	800
Suffolk county, supreme judicial court in, to establish the salary of the messenger of the justices of	95
enlargement of the court house in	158
service of venire by officers of the supreme judicial court in	266
salary of the deputy sheriff of	406
Sunday, when the last day for the performance of certain acts falls on, then act may be performed on succeeding day	154
Superior court, to provide for certain expenses of	56
entry of writs and other processes in, in certain cases	131
increasing the number of associate justices of	225
county of Essex, to provide for an assistant clerk of	199
county of Hampden, relative to the March sitting of, for civil business	22
Support of children, of parents living separately, law relative to, amended	209
Supreme judicial court, performance of clerical duties in, in certain cases	105
entry of writs and other processes in, in certain cases	131
county of Suffolk, establishing the salary of the messenger of the justices of	95
county of Suffolk, service of venire by officers of	266
Surgical appliances, etc., to provide for the keeping of, in factories	116
Suspensions, etc., from office, of the district police and other police officers in the classified civil service	217
Sutton, town of, boundary line between Douglas and	364
boundary line between Millbury and	363

T.

Tabernacle Church in Salem, Proprietors of, relative to the annual meeting of	108
Tables showing changes in the Revised Laws and in general legislation	1127
Taunton, city of, may supply water to the town of Dighton	398

	PAGE
Taunton Gas Light Company, may do business in the towns of Raynham and Dighton	87
Taunton Great river, construction of a bridge over, compensation of the county commissioners of, in connection with	297
Taunton insane hospital, appropriation for the maintenance of	53
Tax, county, Barnstable	983
Berkshire	984
Bristol	986
Dukes County	987
Essex	988
Franklin	989
Hampden	990
Hampshire	992
Middlesex	993
Norfolk	994, 1011
Plymouth	995
Worcester	996
state, apportioned and assessed	790
Tax commissioner, appropriations for salaries and expenses in the department of	27
duties of, relative to the taxation of business corporations	341
duties of, relative to taxation of legacies and successions	800-810
reorganization of the department of	810
duties of, relative to the taxation of express companies	957
Taxation, joint special committee on, appropriation for compensation of	5
certain bonds held by savings banks exempt from	192
of real estate and machinery of water companies, relative to	286
exemption from, of veterans of the civil war, law relative to, amended	316
of business corporations, relative to	341
of legacies and successions	800
of foreign corporations, relative to	924
of express companies, relative to	957
relative to printing the report of the committee on the revision of laws relating to	973
relative to a revision of the laws relative to	1023
Taxes, assessment of, form of valuation lists used in	138
state and county, basis of apportionment for	177
received from street railway companies, to be applied to repair, etc., of public ways	270
collectors of, travelling expenses of, in cases of arrests	365
collateral inheritance, law relative to, amended	397
Teachers, registration of, with the state board of education, law relative to, amended	162
Technical Education Fund, issue of bonds payable to	85
Technology, the Massachusetts Institute of, appropriation for	6
Telephone and telegraph companies, appropriations for the supervision of	26
Testing and sealing of weights and measures, etc., to provide for	517

	PAGE
Textile goods, hours of labor of women and minors employed in the manu- facture of, law relative to, amended	209
Textile School, the Bradford Durfee, in favor of	1000
the Lowell, ventilation of the laboratories of	1000
in favor of	1000
the New Bedford, in favor of	999
Textile schools, an inquiry to be made as to the organization and methods of	999
Theatres, etc., in Boston, relative to the licensing of	408
Theological Seminary, Andover, Trustees of, incorporated	204
Third Middlesex district, nomination of senators in	525
Tibbetts, G. Wallace, justice of the peace, acts legalized	1003
Tide waters, transportation and dumping of material in	170
Tools, etc., of contractors, etc., protection of	463
TOWNS :	
Agawam, extending the riprap work on the Connecticut river in	475
Amesbury, maintenance of a bridge across the Merrimac river in	381
Barnstable, to prohibit the taking of fish by nets and seines in the waters of	256
Bedford, may supply itself with water	90
Bridgewater, the trustees of the state hospital and state farm may exchange certain land in	348
the property of the Bridgewater Academy may be conveyed to	349
Brookline, boundary line between the city of Newton and	194
Buckland, the Shelburne Falls and Colrain Street Railway Company may extend its railway into	164
Charlton, boundary line between Oxford and	64
boundary line between Southbridge and	67
Chatham, construction of a bridge across Mitchell's river in	389
Chilmark, appropriation for improving the harbor of Menamsha Inlet in	6
Clinton, relative to the sale of certain water loan bonds by	107
abolition of grade crossings in	174
Cottage City, to change the corporate name of	22
Dalton, in favor of	975
Dana, included in the judicial district of the first district court of northern Worcester	69
Danvers, may make an additional water loan	109
Dennis, bridge over Bass river between Yarmouth and, to be rebuilt	169
to confirm certain acts of	266
to provide for a survey of Sesuit harbor in	979
Dighton, the Taunton Gas Light Company may do business in	87
not required to maintain a high school	107
the city of Taunton may supply water to	398
Douglas, boundary line between Sutton and	364
Dudley, boundary line between Southbridge and	68
Eastham, improvement of Rock harbor in	1017
Edgartown, may acquire land for a boat landing	347

TOWNS — *Continued.*

	PAGE
Falmouth, appropriation for constructing a harbor at Deacon's pond in	7
extending the time for making improvements in Deacon's pond in	455
Framingham, water supply system of	330
Franklin, may issue a water loan, etc.	295
Gay Head, appropriation for improving the harbor of Menamsha Inlet	
in	6
Gosnold, improvement of Cuttyhunk harbor in	525
Grafton, boundary line between the city of Worcester and	62
boundary line between Shrewsbury and	64
boundary line between Westborough and	65
Hadley, strengthening of riprap work on the Connecticut river in	1015
Harwich, construction of a bridge over Andrews creek in	192
Heath, proceedings confirmed	360
Holbrook, to confirm the acts of certain tax collectors in	265
Hopkinton, boundary line between Milford and	362
boundary line between Upton and	362
Hudson, to ratify the locations of certain streets and ways in	166
may make an additional water loan	383
Hyde Park, provisions of civil service act extended in	251
may purchase the franchise, etc., of the Hyde Park Water Com-	
pany	451
Ipswich, to provide for repairs at the house of correction at	359
Lanesborough, construction, etc., of a public way from, to the Grey-	
lock reservation	142
Leicester, maintenance of a high school in	455
Lenox, water supply for	482
Lincoln, additional water loan for	430
Manchester, may take an additional water supply	431
Marion, water supply for	210
Mashpee, to prohibit the taking of fish by nets and seines in the waters of	256
Middleborough, the Rock Cemetery Association incorporated in	79
Milford, boundary line between Hopkinton and	362
boundary line between Upton and	361
Millbury, boundary line between Oxford and	66
boundary line between Sutton and	363
Montague, the Greenfield Gas Light Company may do business in	86
Natick, widening of a certain railroad in	839
North Andover, may furnish water temporarily to the city of Lawrence	61
Norwood, construction of system of sewage disposal in	97
Oak Bluffs, to establish the corporate name of	22
Orleans, to provide for a survey of Rock harbor in	976
improvement of Rock harbor in	1017
Oxford, boundary line between Charlton and	64
boundary line between Millbury and	66
Peabody, may borrow money for sewer construction	352
Plymouth, improvement of certain county buildings in	325, 824
may improve the channels in Plymouth harbor	329

TOWNS — *Continued.*

	PAGE
Provincetown, may appropriate money for the laying of the corner stone of the Pilgrim Memorial Monument	420
may supply itself with water	439
Randolph, may borrow money for renewing certain notes	311
Raynham, the Taunton Gas Light Company may do business in	87
Reading, may pay a sum of money to Post 194, G. A. R.	114
may make an additional water loan	331
Rehoboth, custody of records and plans of	999
Revere, appropriation for constructing a breakwater in the harbor of	7
may borrow money for school purposes	172
Rutland, relative to the prison camp and hospital at	980
Salisbury, relative to the expense of maintaining and operating the bridge across the Merrimac river between the city of Newburyport and	517
Saugus, maintenance of the bridge across Saugus river between the city of Lynn and	407
Seituate, building of a breakwater, etc., in	526
Sharon, the Walpole Reservoir Company incorporated in	465
Shrewsbury, boundary line between Grafton and	64
boundary line between Westborough and	63
Somerset, the Fall River Gas Works Company may do business in	87
Southbridge, boundary line between Charlton and	67
boundary line between Dudley and	68
Stoneham, may borrow money for sewerage purposes	493
water loan for	632
Stoughton, may refund certain indebtedness	470
Stow, certain proceedings confirmed	343
Sturbridge, the Webster Electric Company may do business in	385
Sutton, boundary line between Douglas and	364
boundary line between Millbury and	363
Upton, boundary line between Hopkinton and	362
boundary line between Milford and	361
Uxbridge, may elect a board of water commissioners	96
Walpole, the Walpole Reservoir Company incorporated in	465
Wareham, water supply for	132
the New Bedford and Onset Street Railway Company may furnish electricity to	324
Watertown, maintenance of a part of a certain dam in, across Charles river	166
may borrow money for widening Galen street, etc.	287
Wellesley, may construct a system of sewage disposal	818
Wellfleet, construction of a dike across Herring river in	476
Westborough, boundary line between Grafton and	65
boundary line between Shrewsbury and	63
Westfield, may raise, etc., money for erecting a monument to General William Shepard	529
Westford, water supply for	125

TOWNS — <i>Concluded.</i>	PAGE
Whitman, may make an additional water loan	380
Wilbraham, included in the judicial district of the district court of eastern Hampden	78
Williamsburg, the Meekins Library incorporated in	269
Winchester, protection of the public health in the vicinity of Horn Pond brook in	175
Wrentham, time extended for acceptance of water act	251
Yarmouth, bridge over Bass river between Dennis and, to be rebuilt . .	169
Towns, police and fire departments in, payment of pensions to widows and children of members of	141
establishment of boards of survey in	143
may appropriate money for an old home week or day	266
Towns and cities, relative to certain returns made by, to the bureau of statistics of labor	55
care of public documents by	82
certain, maintenance of highways by	149
certain, relative to supplying water to, from the metropolitan water system	302
plans, etc., of sewers and drains in, to be kept on file	315
to make provisions for caring for persons infected with diseases dangerous to public health	334
to compensate persons held in quarantine by orders of boards of health of	390
construction of sewers and drains in	409
certain powers of the state board of health may be delegated to . .	418
in the metropolitan water district, to prevent waste of water supplied to .	495
Transfer, by guardians, of property of non-resident wards, law relative to, amended	165
Transfers, of real estate by trustees, law relative to, amended	206
Travelling expenses, of collectors of taxes, to provide for	365
Treasurer and receiver general, appropriations for salaries and expenses in the department of	11
to issue bonds payable to the Technical Education Fund	85
to be made a party to petitions for administration by public administrators	223
duties of, relative to unclaimed deposits in savings banks	292
unclaimed deposits with trust companies to be paid over to, after a lapse of ten years	358
may issue scrip, etc., to meet expense of constructing state highways .	391
may advance money from the treasury to certain state institutions . .	417
may issue scrip, etc., to meet expense of establishing new sanatoriums for tubercular patients	426
may issue scrip, etc., to provide additions to certain state institutions .	622
duties of, relative to the taxation of legacies and successions	800-810
may issue scrip, etc., for expense of constructing a state highway in the West Roxbury district of Boston	838
duties of, relative to the assessment of the state tax	799

	PAGE
Treasurer and receiver general, may borrow money in anticipation of revenue	969, 970
Trees and shrubs, to provide for the protection of	273
Trout, artificially reared, relative to the sale of	253
Trust companies, examination of	271
reports of condition of	272
relative to unclaimed deposits with	358
capitalization of	446
Trust Company, American, name established	55
TRUSTEES :	
of Andover Theological Seminary, incorporated	204
of the Ayer Home, fixing the number of	73
of Boston University, relative to	441
of Bridgewater Academy, may convey the property of said corporation to the town of Bridgewater	349
of Hopkins Academy, limiting the number of	105
of the Punchard Free School, investments by	82
of Scottish Rite of Freemasonry, may hold additional property	111
of the Soldiers' Home in Massachusetts, in favor of	972
of state hospital and state farm, may exchange certain land in the town of Bridgewater	348
of Tufts College, election of certain members of	199
of the Worcester insane hospital, may grant to the city of Worcester to use certain land, etc.	496
may release a certain claim against the city of Worcester	514
Trustees, when removed from their trust, delivery of property by	89
sales and transfers of real estate by, relative to	206
to regulate disbursements by	320
to regulate the accounts of	382
Trusts, etc., compromise of questions arising under	392
Tubercular patients, to provide for establishing three new sanatoriums for	423
Tuberculosis, registration of persons affected with	436
Tufts College, Trustees of, election of certain members of	199
Tunnel, etc., in the city of Boston, construction of	827

U. .

Unclaimed deposits, in savings banks, relative to	292
with trust companies, relative to	358
Underwood, Edward S., justice of the peace and notary public, acts legalized	978
Unitarian Association, the American, may hold additional estate	102
United Spanish war veterans, relative to	173
United States, to approve the purchase of a tract of land on Deer island by	122
Unlicensed dogs, enforcement of laws relative to	188, 189
Unsigned political advertisements, to prohibit the publication of	929
Upton, town of, boundary line between Hopkinton and	362
boundary line between Milford and	361
Uxbridge, town of, may elect a board of water commissioners	96

V.

	PAGE
Vaccination, of school children, certificates of exemption from	163
Valuation lists, relative to the form of	138
Venires, service of, by officers of the supreme judicial court in the county of Suffolk	266
Vessels, captains of, relative to fraudulent conversion of property by	336
Veterans, of the civil war, law relative to the taxation of, amended	316
in the service of the Commonwealth, retirement of	405
united Spanish war, relative to	173
Veterinary medicine, board of registration in, appropriations for	25
registration in, law relative to, amended	267
Voters, in Boston, listing and registration of	335

W.

Wages, weekly payment of, law relative to, amended	147
Walnut Avenue Congregational Society, to confirm the union of, with the Im- manuel Congregational Society	103
Walpole, town of, the Walpole Reservoir Company, incorporated in	465
Walpole Reservoir Company, incorporated	464
Waltham, city of, may make an additional water loan	159
War records, in the office of the adjutant general, preservation of	970
War veterans, the united Spanish, relative to	173
Wardens, forest, relative to	427
Wareham, town of, water supply for	132
the New Bedford and Onset Street Railway Company may furnish electricity in	324
Wareham Fire District, to provide a water supply for	132
Warehouse receipts, to make uniform the law of	930
Washington street, in the West Roxbury district of Boston, may be laid out as a state highway	836
Water, to prevent waste of, in cities and towns in the metropolitan water dis- trict	495
Water companies, taxation of real estate and machinery of	286
WATER COMPANY :	
Aspinwall, relative to	482
Hyde Park, purchase of, by the town of Hyde Park	451
Lenox, provision affecting	479
Onset, provision affecting	132
Westford, incorporated	125
WATER LOAN :	
Bedford	92
Brockton	822
Clinton	107
Danvers	110
Fitchburg	152

WATER LOAN — *Concluded.*

	PAGE
Franklin	295
Hudson	383
Lincoln	430
Lynn	434
Manchester	433
Marion	212
Melrose	121
North Adams	342
Pittsfield	208
Provincetown	440
Quincy	139
Reading	331
Stoneham	632
Waltham	159
Wareham Fire District	134
Westford	129
Whitman	380
Woburn	77

Water meters, cities and towns receiving a water supply from the metropolitan water district to be equipped with	495
--	-----

WATER SUPPLY :

Bedford	90
Brockton	822
Danvers	109
Dighton	398
Fall River	452
Framingham	330
Lawrence	61
Lenox	479
Lynn	434
Manchester	431
Marion	210
Medfield insane asylum	1004
Pittsfield	478
Provincetown	439
Quincy	139
Wareham	132
Westford	125
Wrentham	251

Water Supply District, the Foxborough, may increase its indebtedness	529
the Millers Falls, may purchase, etc., electricity	632

Watertown, town of, maintenance of a part of a certain dam in, across Charles river	166
may borrow money for widening Galen street, etc.	287

Wayward and neglected children, etc., payment of witness fees, etc., in cases relative to	113
---	-----

Webster Electric Company, may unite with the Southbridge Gas and Electric Company	384
Weekly payment of wages, law relative to, amended	147
Weights and measures, relative to the seals of sealers of	223
Weights and measures, penalty for giving false	340
to provide for testing and sealing	517
appointment of a commissioner of	515
Wellesley, town of, may construct a system of sewage disposal	818
Wellfleet, town of, construction of a dike across Herring river in	476
Wellington, Arthur J., justice of the peace, to legalize the acts of	1024
Wellington bridge reservation, appropriation for care and maintenance of	70
West Bay, at Osterville, improvement of	494
West Falmouth harbor, improvement of	477
West Roxbury district, of Boston, Washington street in, may be laid out as a state highway	836
Westborough, town of, boundary line between Grafton and	65
boundary line between Shrewsbury and	63
Westborough insane hospital, appropriation for the maintenance of	54
improvements at	623
purchase of stock for	1016
Westfield, town of, may raise money for erecting a monument to General William Shepard	529
Westford, town of, water supply for	125
Westford Water Company, incorporated	125
Westport river, relative to fishing in	254
Whitman, town of, may make an additional water loan	380
Widows, of members of police and fire departments in towns, payment of pensions to	141
Wilbraham, town of, included in the judicial district of the district court of eastern Hampden	78
Wild ducks, etc., hunting of, in ponds in Dukes County	208
Wild harbor, at North Falmouth, to provide for a survey of	1016
Williamsburg, town of, the Meekins Library incorporated in	269
Wills, etc., compromise of questions arising under	392
Winchester, town of, protection of the public health in the vicinity of Horn Pond brook in	175
Winchester, Virginia, dedication of a monument at	1019
Wire Company, the Worcester, exempt from law dissolving certain corporations	464
Witness fees, etc., in cases of neglected and delinquent children, to provide for the payment of	113
Witnesses, before certain boards and officers, to provide for summoning	285
Woburn, city of, may issue additional water bonds	77
protection of the public health in the vicinity of Horn Pond brook in	175
Women, may be appointed assistant clerks of courts	175
Women and minors, certain, law relative to the hours of labor of, amended	209
relative to the employment of	352

	PAGE
Women's prison, appropriations for salaries and expenses at	31
sentences to	197
money may be advanced to the superintendent of	418
Woodlands, adjoining railroads, protection of, from fire	376
Woods, Edward F., justice of the peace, acts legalized	1010
Worcester, city of, boundary line between the town of Grafton and	62
the Worcester insane hospital may grant certain rights to	496
the Worcester insane hospital may release a certain claim against	514
Worcester, Nashua and Rochester Railroad Company, provision affecting	174
Worcester county, an additional judge of probate to be appointed in, etc.	386
tax granted for	996
Worcester County Truant School, name changed to Worcester County Train- ing School	148
Worcester insane asylum, appropriation for the maintenance of	51
improvements at	1006
Worcester insane hospital, appropriation for the maintenance of	53
may grant certain rights to the city of Worcester	496
may release a certain claim against the city of Worcester	514
improvements at	1016
Worcester Polytechnic Institute, appropriation for	7
Worcester Wire Company, exempt from law dissolving certain corporations	464
Workmen, etc., law relative to hours of labor of, amended	213, 824
Workshops, factories and, egresses from, etc.	466
Wrentham, town of, time extended for acceptance of water act	251
Wrentham state school, name established	361
appropriation for the maintenance of	506
improvements at	624
Writs, of attachment, of real estate, law relative to, amended	320
Writs, etc., entry of, may be made the following day when the first day of a month falls on a holiday	131

Y.

Yarmouth, town of, bridge over Bass river between Dennis and, to be rebuilt	169
---	-----

Z.

Zoölogical garden, in the Middlesex Fells reservation, establishment of	394
---	-----

